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No. 34 |

NEW DELHI, AUGUST 14—AUGUST 20, 2005, SATURDAY/SRAVANA 23—SRAVANA 29, 1927

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक् संकलन के रूप में रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 9 अगस्त, 2005

का.आ. 2885.—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946. (1946 का अधिनियम सं. 25) की धारा 6 सपठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए हरियाणा राज्य सरकार के गृह विभाग की अधिसूचना सं. 20/2/2005-3एचजी-1 दिनांक 24-6-2005 द्वारा प्राप्त हरियाणा राज्य सरकार की सहमति से वर्ष 2001—2005 के दौरान स्वास्थ्य और परिवार कल्याण मंत्रालय, भारत सरकार, नई दिल्ली द्वारा आबंटित निधियों से पीवीसी कैलेंडर, पीवीसी स्टिकर, टिन प्लेट आदि की खरीद में डा. बी.एस. दहिया, महानिदेशक, स्वास्थ्य सेवाएं, श्रीमती विमला नैन, संयुक्त निदेशक और राज्य स्वास्थ्य विभाग हरियाणा के अन्य व्यक्तियों द्वारा शासकीय पदों का दुरुपयोग और केंद्रीय सरकार की निधियों के दुर्विनियोग संबंधी अपराधों और उक्त अपराध से संबंधित अथवा संसक्त प्रयत्नों, दुष्परणों

तथा षडयंत्र और उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किन्हीं अन्य अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण हरियाणा राज्य पर करती है।

[सं. 228/42/2005-एवीडी-II]

चंद्र प्रकाश, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES  
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 9th August, 2005

S.O. 2885.—In exercise of the powers conferred by Sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of State Government of Haryana Home Department vide Notification No. 20/2/2005-3HG-I, dated 24th

June, 2005, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Haryana for investigation of offences of misappropriation of Central Government funds and abuse of official position by Dr. B.S. Dahiya, Director General Health Services, Smt. Vimla Nain, Joint Director and others of State Health Department Haryana during 2001—2005 in the purchase of PVC Calendar, PVC Sticker, Tin Plate etc. from the funds allocated by the Ministry of Health and Family Welfare, Government of India, New Delhi and attempt. Abetment and conspiracy in relation to, or in connection with the said offence, and any other offences committed in the course of the same transaction, or arising out of the same facts.

[No. 228/42/2005-AVD-II]

CHANDRA PRAKASH, Under Secy.

नई दिल्ली, 11 अगस्त, 2005

का.आ. 2886.—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए आंध्र प्रदेश राज्य सरकार के गृह (एससी-ए) विभाग की अधिसूचना सं. जीओ एमएस सं. 135 दिनांक 13-7-2005 द्वारा प्राप्त आंध्र प्रदेश राज्य सरकार की सहमति से फर्जी गैर-न्यायिक/जाली स्टाम्प प्राप्त और बिक्री करने के मामले के संबंध में बेगम बाजार पुलिस स्टेशन, हैदराबाद सिटी में भारतीय दंड संहिता 1860 (1860 का अधिनियम सं. 45) की धारा 255, 258, 259, 260, 468, 471 और 420 तथा भारतीय स्टाम्प अधिनियम, 1899 की धारा 69 के अधीन दर्ज मामला सं. 252/2004 तथा उक्त अपराध से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों तथा षडयंत्र और उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किन्हीं अन्य अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण आंध्र प्रदेश राज्य पर करती है।

[सं. 228/31/2005-एवीडी-II]

चंद्र प्रकाश, अवर सचिव

New Delhi, the 11th August, 2005

S.O. 2886.—In exercise of the powers conferred by Sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of State Government of Andhra Pradesh Home (SC-A) Department vide Notification GO Ms. No. 135 dated 13-07-2005, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Andhra Pradesh for investigation of the Case No. 252/2004 under sections 255, 258, 259 260, 468, 471 and 420 of the Indian Penal Code, 1860 (Act No. 45 of 1860) and section 69 of the Indian Stamps Act 1899 registered at Begum Bazar

Police Station, Hyderabad City relating to the case of procuring and sale of fake non-judicial/counterfeit stamps and attempts, abetments and conspiracies in relation to or in connection with the said offence and any other offences committed in the course of the same transaction, or arising out of the same facts.

[No. 228/31/2005-AVD-II]

CHANDRA PRAKASH, Under Secy.

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

नई दिल्ली, 26 जुलाई, 2005

का.आ. 2887.—वित्त मंत्रालय, आर्थिक कार्य विभाग में 10,000-325-15,200 रुपए के वेतनमान में अवर सचिव (संवर्ग-बाह्य) के एक पद को इस अधिसूचना के सरकारी राजपत्र में प्रकाशन की तारीख से उसी वेतनमान में उप-निदेशक (बजट और लेखा) के रूप में पुनर्पदनामित किया जाता है।

[सं. ए.-12018/3/99-प्रशा-1 ए]

नीलम वोहरा, अवर सचिव

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 26th July, 2005

S.O. 2887.—One ex-cadre post of Under Secretary (Excluded) in the pay scale of Rs. 10,000-325-15,200 in Ministry of Finance, Department of Economic Affairs is re-designated as Deputy Director (Budget & Accounts) in the same pay scale w.e.f. the date of publication of this notification in the Official Gazette.

[No. A.-12018/3/99-Ad-IA]

NEELAM VOHRA, Under Secy.

(बैंकिंग प्रभाग)

नई दिल्ली, 1 अगस्त, 2005

का.आ. 2888.—भारतीय निर्यात-आयात बैंक अधिनियम, 1981 (1981 का 28) की धारा 6 की उपधारा (1) के खंड (ड) के उप-खंड (ii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, पंजाब नेशनल बैंक के अध्यक्ष एवं प्रबंध निदेशक श्री एस.सी. गुप्ता को अधिसूचना की तिथि से तीन वर्ष की अवधि के लिए अथवा अगला आदेश, होने तक, जो भी पहले हो, भारतीय निर्यात आयात बैंक (एक्विजिशन बैंक) के निदेशक मंडल में निदेशक के रूप में नियुक्त करती है।

[फा. सं. 24/27/2002-आई एफ-1]

मागरिट गंगटे, अवर सचिव

(Banking Division)

New Delhi, the 1st August, 2005

**S.O. 2888.**—In exercise of the powers conferred by sub-clause (ii) of clause (e) of sub-section (1) of Section 6 of the Export-Import Bank of India Act, 1981 (28 of 1981), the Central Government hereby nominates Shri S. C. Gupta, Chairman and Managing Director, Punjab National Bank as a Director on the Board of Directors of Export-Import Bank of India (EXIM Bank) for a period of three years from the date of notification or until further orders whichever is earlier.

[F. No. 24/27/2002-IF-I]

MARGARET GANGTE, Under Secy.

नई दिल्ली, 9 अगस्त, 2005

**का.आ. 2889.**—भारतीय लघु उद्योग विकास बैंक अधिनियम, 1989 (1989 का 39) की धारा 6 की उप-धारा (1) के खण्ड (ड) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री अरुण अग्रवाल, सनदी लेखाकार, बी-142, शिवालिक, मालवीय नगर, नई दिल्ली को इस अधिसूचना के जारी होने की तारीख से तीन वर्ष की अवधि के लिए या अगला आदेश होने तक, जो भी पहले हो, श्री एम.एल. देशमुख के स्थान पर भारतीय लघु उद्योग विकास बैंक (सिडबी) के निदेशक मण्डल में अंशकालिक गैर-सरकारी निदेशक के रूप में नियुक्त करती है।

[फा. सं. 24/5/2002-आईएफ-1]

मार्गरेट गंगटे, अवर सचिव

New Delhi, the 9th August, 2005

**S.O. 2889.**—In exercise of the powers conferred by clause (e) of sub-section (1) of Section 6 of the Small Industries Development Bank of India Act, 1989 (39 of 1989), the Central Government hereby appoints Shri Arun Agarwal, Chartered Accountant, B-142, Shivalik, Malviya Nagar, New Delhi as part-time non-official Director on the Board of Directors of Small Industries and Development Bank of India (SIDBI) for a period of three years or until further orders, whichever is earlier with effect from the date of notification in place of Shri M.L. Deshmukh.

[F. No. 24/5/2002-IF-I]

MARGARET GANGTE, Under Secy.

विदेश मंत्रालय

(सी.पी.वी. प्रभाग)

नई दिल्ली, 20 जुलाई, 2005

**का. आ. 2890.**—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का प्रधान कौंसलावास, हो चि मीन सिटी में श्री रश्मी रंजन शेड्टी, सहायक को 20-07-2005 से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

[सं. टी.-4330/01/2005]

राधा कान्त झा, उप सचिव (कौंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(C.P.V. Division)

New Delhi, the 20th July, 2005

**S.O. 2890.**—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri Rashmi Ranjan Sethy, Assistant in the Consulate General of India, Ho Chi Minh City (Vietnam) to perform the duties of Assistant Consular Officer with effect from 20-07-2005

[No. T-4330/01/2005]

R.K. JHA, Dy. Secy. (Cons.)

नई दिल्ली, 20 जुलाई, 2005

**का. आ. 2891.**—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का प्रधान कौंसलावास, बर्मिंघम में श्री वेद प्रकाश, सहायक को 20-07-2005 से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

[सं. टी.-4330/01/2005]

राधा कान्त झा, उप सचिव (कौंसुलर)

New Delhi, the 20th July, 2005

**S.O. 2891.**—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri Ved Prakash, Assistant in the Consulate General of India, Birmingham to perform the duties of Assistant Consular Officer with effect from 20-07-2005.

[No. T-4330/01/2005]

R.K. JHA, Dy. Secy (Cons.)

**सूचना और प्रसारण मंत्रालय**

नई दिल्ली, 1 अगस्त, 2005

**का.आ. 2892.**—इस मंत्रालय की दिनांक 5 फरवरी, 2004 की समसंख्यक अधिसूचना के अनुसरण में तथा चलचित्रकी (प्रमाणन) नियमावली, 1983 के नियम 7 व 8 के साथ पठित चलचित्रकी अधिनियम, 1952 (1952 का 37) की धारा 5 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, निम्नलिखित व्यक्तियों को केन्द्रीय फिल्म प्रमाणन बोर्ड के चेन्नई सलाहकार पैनल के सदस्यों के रूप में तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, नियुक्त करती है।

1. श्री पी. विष्णु वर्धन रेड्डी  
सं. 33, पदमनाभन स्ट्रीट,  
टी. नगर,  
चेन्नई-17
2. श्री सी.एस.एस.एन. अरुण राजा,  
सं. 18, न्यू बंगला स्ट्रीट,  
चिताथिरी पेटाई,  
चेन्नई-600002
3. श्री आर. उदयादेवन  
डी/3, सं. 8, गवर्नमेंट रेंटल क्वार्टर्स,  
वाटर टैंक रोड,  
आयनावरम, चेन्नई

[फा. सं. 809/4/2004-एफ (सी)]

पी. पी. नायर, डैस्क अधिकारी

**MINISTRY OF INFORMATION AND BROADCASTING**

New Delhi, the 1st August, 2005

**S.O. 2892.**—In continuation of this Ministry's Notification of even number dated 5th February, 2005, and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint the following as members of the Chennai advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier:

1. Shri P. Vishnu Vardhana Reddy,  
No. 33, Padmanabhan Street,  
T. Nagar, Chennai-17.
2. Shri C.S.S.N. Arun Raja,  
No. 18, New Bungalow Street,  
Chitathiri Pettai,  
Chennai-600 002.

3. Shri R. Udayadevan,  
D/3, No. 8,  
Govt. Rental Quarters,  
Water Tank Road,  
Ayanavaram, Chennai.

[F. No. 809/4/2004-F(C)]

P. P. NAIR, Desk Officer

**संचार और सूचना प्रौद्योगिकी मंत्रालय**

(दूरसंचार विभाग)

(राजभाषा अनुभाग)

नई दिल्ली, 9 अगस्त, 2005

**का.आ. 2893.**—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 (यथा संशोधित 1987) के नियम 10(4) के अनुसरण में संचार और सूचना प्रौद्योगिकी मंत्रालय, दूरसंचार विभाग के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालयों को, जिसमें 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है।

1. मुख्य महाप्रबंधक दूरसंचार, भारत संचार निगम लिमिटेड, झारखंड परिमंडल, रांची  
(i) उपमहाप्रबंधक दूरसंचार, भारत संचार निगम लिमिटेड, बोकारो  
(ii) दूरसंचार जिला प्रबंधक, भारत संचार निगम लिमिटेड, दुमका
2. मुख्य महाप्रबंधक दूरसंचार, भारत संचार निगम लिमिटेड, महाराष्ट्र परिमंडल, मुम्बई

लोणवला दूरभाष केन्द्र (आंतरिक) भारत संचार निगम लिमिटेड, लोणवला

[ सं. ई.-11016/1/2005-रा.भा. ]

हरीश चन्द्र जयाल, संयुक्त सचिव

**MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY**

(Department of Telecommunications)

(OFFICIAL LANGUAGE SECTION)

New Delhi, the 9th August, 2005

**S.O. 2893.**—In pursuance of rule 10(4) of the Official Language (Use for Official purposes of the Union), rules, 1976 (as amended-1987), the Central Government hereby notifies the following Offices under the administrative control of Ministry of Communications and Information Technology, Department of Telecommunications



whereof more than 80% staff have acquired working knowledge of Hindi.

1. **Chief General Manager Telecom., BSNL, Jharkhand Circle, Ranchi**  
(i) Deputy General Manager Telecom, BSNL, Bokaro  
(ii) Telecom, Distt. Manager, BSNL, Dumka
2. **Chief General Manager Telecom., BSNL, Maharashtra Circle, Bombay**  
Telephone Exchange Lonavala (Internal), BSNL, Lonavala

[No. E-11016/1/2005(O.L.)]

HARISH CHANDRA JAYAL, Jt. Secy.

### कोयला मंत्रालय

नई दिल्ली, 11 अगस्त, 2005

का.आ. 2894.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजन के लिए प्रयोग) नियम 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, कोयला मंत्रालय के अधीन भारत कोकिंग कोल लिमिटेड, धनबाद के निम्नलिखित क्षेत्रीय कार्यालयों को, जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है अधिसूचित करती है :—

1. बरोरा क्षेत्र
2. ब्लैक-2 क्षेत्र
3. गोविन्दपुर
4. सजुआ
5. कतरास
6. पूर्वी झरिया क्षेत्र
7. प. झरिया क्षेत्र
8. कुस्तौर क्षेत्र
9. लोदना क्षेत्र
10. चान्च विक्टोरिया क्षेत्र
11. पुटकी बलिहारी क्षेत्र

[ सं. ई-2019/1/99-हिन्दी ]

राजीव शर्मा, संयुक्त सचिव

### MINISTRY OF COAL

New Delhi, the 11th August, 2005

S.O. 2894.—In pursuance of sub-rule (4) of the Rule 10 of the Official Language (Use for Official Purposes of the Union), Rules, 1976 the Central Government, hereby, notifies the following Regional Offices of the Bharat

Coking Coal Ltd., under the Ministry of Coal, whereof more than 80% staff have acquired working knowledge of Hindi :—

1. Barora Region
2. Black-2 Region
3. Govindpur
4. Sijua
5. Katras
6. East Jharia Region
7. West Jharia Region
8. Kustaur Region
9. Lodna Region
10. Chanch Victoria Region
11. Putki Balihari Region

[No. E-12019/1/99-Hindi]

RAJIV SHARMA, Jt. Secy.

नई दिल्ली, 11 अगस्त, 2005

का.आ. 2895.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, कोयला मंत्रालय के अधीन साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, बिलासपुर के निम्नलिखित क्षेत्रीय कार्यालयों को, जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है अधिसूचित करती है :—

1. क्षेत्रीय मुख्यालय, भटगांव क्षेत्र
2. क्षेत्रीय मुख्यालय, गेवरा क्षेत्र

[ सं. ई-12019/1/99-हिन्दी ]

राजीव शर्मा, संयुक्त सचिव

New Delhi, the 11th August, 2005

S.O. 2895.—In pursuance of sub-rule (4) of the Rule 10 of the Official Language (Use for Official Purposes of the Union), Rules, 1976 the Central Government, hereby, notifies the following Regional Offices of South Eastern Coalfields Ltd., under the Ministry of Coal, whereof more than 80% staff have acquired working knowledge of Hindi :—

1. Regional Headquarter, Bhat Gaon Region
2. Regional Headquarter, Gevra Region

[No. E-12019/1/99-Hindi]

RAJIV SHARMA, Jt. Secy.

## उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

( उपभोक्ता मामले विभाग )

( भारतीय मानक ब्यूरो )

नई दिल्ली, 8 जून, 2005

का.आ. 2896. — भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

## अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
1	2	3	4
1.	आईएस 549 : 2005 स्प्लिट पिनें—विशिष्ट ( तीसरा पुनरीक्षण )	—	अप्रैल 2005
2.	आईएस 2668 : 2004 समानांतर एवं मोर्स टेपर शैंक वाले टी-स्लॉट कटर टैपड होल सहित ( दूसरा पुनरीक्षण )	—	नवम्बर 2004
3.	आईएस 4172 : 2005 सामान्य उद्देश्य के लिए काबले और पेच—मीट्रिक श्रेणी-शीर्ष के नीचे की त्रिज्या ( दूसरा पुनरीक्षण )	—	मार्च 2005
4.	आईएस 5107 : 2004 द्रव पावर पद्धतियाँ और संघटक—अभिहित दाब ( पहला पुनरीक्षण )	—	दिसम्बर 2004
5.	आईएस 7483 : 2005 टाईप एच और जैड क्रॉस खांचे सहित पैन हैंड स्कू-उत्पाद ग्रेड ए	—	अप्रैल 2005
6.	आईएस 8208 : 2004 द्रव पावर पद्धतियाँ और संघटक—सिलिंडर नली और पिस्टन छड़ व्यास मीट्रिक श्रृंखला ( पहला पुनरीक्षण )	—	दिसम्बर 2004
7.	आईएस 8692 ( भाग 2 ) 2004 मिलिंग कटर के लिए बेलनाकार शैंक—भाग 2 समतल बेलनाकार शैंक के आयामी अभिलक्षण ( पहला पुनरीक्षण )	—	दिसम्बर 2004
8.	आईएस 11277 : 2004 हाइड्रोलिक द्रव पावर—विलगक सहित गैस भरित संचायक दाब और आयतन की श्रेणियाँ तथा लाक्षणिक मात्राएँ ( पहला पुनरीक्षण )	—	दिसम्बर 2004
9.	आईएस 11698 ( भाग 3 ) : 2005 आई. एस.ओ. मीनिचर पेंच चूड़ियाँ—भाग 3 छूटें ( पहला पुनरीक्षण )	—	जनवरी 2005
10.	आईएस 11698 ( भाग 4 ) : 2005 आई. एस.ओ. मीनिचर पेंच चूड़ियाँ—भाग 4 परिसीमन साइज ( पहला पुनरीक्षण )	—	जनवरी 2005
11.	आईएस 11835 ( भाग 2 ) : 2004 समतल बेलनाकार शैंक औजारों के लिए क्लैम्प स्कू के साथ औजार चक ( एंड मिल होल्डर )—भाग 2 चक के संयोजी आयाम और अभिनाम ( पहला पुनरीक्षण )	—	दिसम्बर 2004
12.	आईएस 13103 : 2005 हाइड्रोलिक द्रव पावर —एक रॉड सिलिंडर, 16 मेगापास्कल ( 160 बार ) संहत श्रृंखला—पोर्ट आयाम ( पहला पुनरीक्षण )	—	मार्च 2005
13.	आईएस 13434 : 2005 हाइड्रोलिक द्रव पावर—एक रॉड सिलिंडर, 16 मेगा-पास्कल ( 160 बार ) मध्यम और 25 मेगापास्कल ( 250 बार ) श्रृंखला—छूट ( पहला पुनरीक्षण )	—	मार्च 2005
14.	आईएस 14531 : 2005 औद्योगिक रोबोट परिचालन—गुणधर्म की प्रस्तुति ( पहला पुनरीक्षण )	—	मार्च 2005
15.	आईएस 15502 : 2004 जन सूचना प्रतीकों के विकास और अनुप्रयोग के सिद्धांत	—	दिसम्बर 2004

1	2	3	4
16.	आईएस 15504 : 2004 जन सूचना प्रतीक	—	दिसम्बर 2004
17.	आईएस 15509 : 2004 प्रेषण तथा वाहकों के लिए दोहरी पिच वाली परिशुद्धि रोलर चेनें तथा दंतुरिका	—	दिसम्बर 2004
18.	आईएस 15538 : 2004 अपधर्षी ग्रेन—परीक्षण छनाई मशीनें	—	दिसम्बर 2004
19.	आईएस 15545 (भाग 1) : 2004 ताप सुघटय सीलिंग एलीमेंट युक्त रोटरी शॉफ्ट लिप-टाइप सील भाग 1 अभिहित आयाम और छूट	—	दिसम्बर 2004
20.	आईएस 15545 (भाग 2) : 2004 ताप सुघटय सीलिंग एलीमेंट युक्त रोटरी शॉफ्ट लिप-टाइप सील भाग 2 शब्दावली	—	दिसम्बर 2004
21.	आईएस 15545 (भाग 3) : 2004 ताप सुघटय सीलिंग एलीमेंट युक्त रोटरी शॉफ्ट लिप-टाइप सील भाग 3 भंडारण, रख-रखाव और संस्थापन	—	दिसम्बर 2004
22.	आईएस 15545 (भाग 4) : 2004 ताप सुघटय सीलिंग एलीमेंट युक्त रोटरी शॉफ्ट लिप-टाइप सील भाग 4 कार्यकारिता परीक्षण विधियाँ	—	दिसम्बर 2004
23.	आईएस 15545 (भाग 5) : 2004 ताप सुघटय सीलिंग एलीमेंट युक्त रोटरी शॉफ्ट लिप-टाइप सील भाग 5 दृश्य अपूर्णता की पहचान	—	दिसम्बर 2004
24.	आईएस 15555 : 2004 परीक्षण छलनियाँ— तकनीकी अपेक्षाएँ और परीक्षण— इलैक्ट्रोफोर्मड शीट की परीक्षण छलनियाँ	—	दिसम्बर 2004
25.	आईएस 15568 : 2005 डिबेरियों पर कोन प्रूफ भार परीक्षण	—	मार्च 2005
26.	आईएस 15569 : 2005 डिबेरियों पर विस्तार परीक्षण	—	मार्च 2005
27.	आईएस 15571 : 2005 औद्योगिक ऑटोमेशन शब्दावली	—	मार्च 2005

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन,  
9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली,  
कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर,  
भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे  
तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : पीजीडी/जी-3.5]

राकेश कुमार, निदेशक एवं प्रमुख (पीजीडी)

# MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 8th June, 2005

**S.O. 2896.**—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

## SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standards	Date of Established
(1)	(2)	(3)	(4)
1.	IS 549 : 2005 Split Pins—Specification ( <i>Third Revision</i> )	—	April 2005
2.	IS 2668 : 2004 T-slot cutters with cylindrical shanks and with Morse taper shanks having tapped hole ( <i>Second Revision</i> )	—	November 2004
3.	IS 4172 : 2005 General Purposes Bolts and Screws—Metric Series Radii under the Head ( <i>Second Revision</i> )	—	March 2005

(1)	(2)	(3)	(4)
4.	IS 5107 : 2004 Fluid power systems and components—Nominal pressures ( <i>First Revision</i> )	—	December 2004
5.	IS 7483 : 2005 Pan Head Screws with Type H or Z cross recess—Product Grade A ( <i>Second Revision</i> )	—	April 2005
6.	IS 8208 : 2004 Fluid power systems and components—Cylinder bores and piston rod diameters—Metric series ( <i>First Revision</i> )	—	December 2004
7.	IS 8692 (Part 2) : 2004 Cylindrical shanks for milling cutters—Part 2 : Dimensional characteristics of flatted cylindrical shanks ( <i>First Revision</i> )	—	December 2004
8.	IS 11277 : 2004 Hydraulic Fluid power Gas-loaded accumulators with separator—Ranges of pressures and volumes and characteristic quantities ( <i>First Revision</i> )	—	December 2004
9.	IS 11698 : (Pt 3) : 2005 ISO miniature screw threads—Part 3 : Tolerances ( <i>First Revision</i> )	—	January 2005
10.	IS 11698 : (Pt 4) : 2005 ISO miniature screw threads—Part 4 : Limits of sizes ( <i>First Revision</i> )	—	January 2005
11.	IS 11835 : (Pt 2) : 2004 Tool chucks (End mill holders) with : clamp screws for flatted cylindrical shanks tools—Part 2 Connecting dimensions of chucks and designation ( <i>First Revision</i> )	—	December 2004
12.	IS 13013 : 2005 Hydraulic fluid power—Single rod cylinders, 16 MPa (160 bar) compact series—Port dimensions ( <i>First Revision</i> )	—	March 2005
13.	IS 13434 : 2005 Hydraulic fluid power—Single rod cylinders, 16 MPa (160 bar) medium and 25 MPa (250 bar) series—Tolerances ( <i>First Revision</i> )	—	March 2005
14.	IS 14531 : 2005 Manipulating industrial robots—Presentation of characteristics ( <i>First Revision</i> )	—	March 2005
15.	IS 15502 : 2004 Development and Principles for application of public information symbols	—	December 2004
16.	IS 15504 : 2004 Public information symbols	—	December 2004
17.	IS 15509 : 2004 Double-pitch precision roller chains and sprockets for transmission and conveyors	—	December 2004
18.	IS 15538 : 2005 Abrasive grains—Test sieving machine	—	December 2004
19.	IS 15545 (Pt 1) : 2004 Rotary shaft lip-type seals incorporating thermo-plastic sealing elements Part 1 Nominal dimensions and tolerances	—	December 2004
20.	IS 15545 (Pt 2) : 2004 Rotary shaft lip-type seals incorporating thermo-plastic sealing elements Part 2 Vocabulary	—	December 2004
21.	IS 15545 (Pt 3) : 2004 Rotary shaft lip-type seals incorporating thermo-plastic sealing elements Part 3 Storage, handling and installation	—	December 2004
22.	IS 15545 (Pt 4) : 2004 Rotary shaft lip-type seals incorporating thermo-plastic sealing elements Part 4 Performance test procedures	—	December 2004
23.	IS 15545 (Pt 5) : 2004 Rotary shaft lip-type seals incorporating thermo-plastic sealing elements Part 5 Identification of visual imperfections	—	December 2004

(1)	(2)	(3)	(4)
24.	IS 15555 : 2004 Test sieves—Technical requirements and testing— Test sieves of electroformed sheets	—	December 2004
25.	IS 15568 : 2005 Cone Proof Load Test on Nuts	—	March 2005
26.	IS 15569 : 2005 Widening test on nuts	—	March 2005
27.	IS 15571 : 2005 Industrial automation glossary	—	March 2005

Copy of these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : PGD/G-3.5]

RAKESH KUMAR, Director &amp; Head (PGD)

नई दिल्ली, 8 जून, 2005

का. आ. 2897.— भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों में संशोधन किया गया/किये गये हैं :

## अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1	2	3	4
1.	आईएस 1891 (भाग 2) : 1993 संयोजक और उत्पाक के लिए वस्त्रादि पट्टे बनाना—विशिष्ट—भाग 2 ऊष्मा प्रतिरोधी पट्टे बनाना (तीसरा पुनरीक्षण)	3	30 अप्रैल 2005
2.	आईएस 1891 (भाग 3) : 1988 संयोजक और उत्पाक के लिए वस्त्रादि पट्टे बनाना—विशिष्ट—भाग 3 तेल प्रतिरोधी पट्टे बनाना (दूसरा पुनरीक्षण)	3	30 अप्रैल 2005
3.	आईएस 2494 (भाग 1) : 1994 वी पट्टे—औद्योगिक प्रयोजन के लिए निरंतर वी-पट्टे—भाग 1 सामान्य प्रयोजन—विशिष्ट (दूसरा पुनरीक्षण)	1	30 अप्रैल 2005
4.	आईएस 2494 (भाग 2) : 1993 वी पट्टे—औद्योगिक प्रयोजन के लिए निरंतर वी-पट्टे—भाग 2 अग्नि प्रतिरोधी और प्रतिस्थैतिक वी-पट्टे—विशिष्ट	1	30 अप्रैल 2005
5.	आईएस 3181 : 1988 वाहक पट्टा भूमिगत खानों तथा ऐसे ही अन्य जोखिम वाले अनुप्रयोगों के लिए अग्निप्रतिरोधक वाहक पट्टा—विशिष्ट	1	31 मई 2005
6.	आईएस 7371 : 1982 स्टेनलेस स्टील सेफ्टी रेजर ब्लेडों की विशिष्ट (दूसरा पुनरीक्षण)	4	30 अप्रैल 2005

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : पीजीडी/जी-3.5]

राकेश कुमार, निदेशक एवं प्रमुख (पीजीडी)

New Delhi, the 8th June, 2005

S.O. 2897.—In pursuance of clause (b) of sub-rule (I) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

## SCHEDULE

Sl. No.	No. and Year of the Indian Standards Established	No. of Amendments and Date	Date of Established
(1)	(2)	(3)	(4)
1.	IS 1891 (Pt 2) : 1994 Conveyor and elevator textile belting Specification—Part 2 : Heat resistant belting ( <i>third revision</i> )	3	30 April 2005
2.	IS 1891 (Pt 3) : 1988 Conveyor and elevator textile belting Specification—Part 3 : Oil resistant belting ( <i>second revision</i> )	3	30 April 2005
3.	IS 2494 (Pt 1) : 1994 V-belts Endless V-belts for industrial purpose—Part 1 : General purpose—Specification ( <i>second revision</i> )	1	30 April 2005
4.	IS 2494 (Pt 2) : 1993 V-belts—Endless V-belts for industrial purpose—Part 2 : Fire resistant and antistatic V-belts—Specification	1	30 April 2005
5.	IS 3181 : 1992 Conveyor belts—fire resistant conveyor belting for underground mines and such other hazardous applications—Specification ( <i>second revision</i> )	1	30 April 2005
6.	IS 7371 : 1982 Specification for stainless steel, safety razor blades ( <i>second revision</i> )	4	30 April 2005

Copy of these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. : PGD/G-3.5]

RAKESH KUMAR, Director & Head (PGD)

नई दिल्ली, 28 जुलाई, 2005

का. आ. 2898.— भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गये मानक (कों) में संशोधन किया गया/किये गये हैं :

## अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आईएस 12459 : 1988	संशोधन संख्या 1, मई 2005	31 मई, 2005
2.	आईएस 13694 : 1993	संशोधन संख्या 1, मई 2005	31 मई, 2005

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीईडी 36/राजपत्र]

जे. सी. अरोड़ा, वैज्ञानिक 'ई' व प्रमुख (सिविल इंजीनियरी)

New Delhi, the 28th July, 2005

S.O. 2898.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

## SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 12459 : 1988	Amendment no. 1, May 2005	31 May, 2005
2.	IS 13694 : 1993	Amendment no. 1, May 2005	31 May, 2005

Copy of this Standards is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. : CED 36/Gazette]

J. C. ARORA, Sc. 'E' &amp; Head (Civil Engg.)

नई दिल्ली, 28 जुलाई, 2005

का. आ. 2899.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक (को) में संशोधन किया गया/किये गये हैं :

## अनुसूची

क्रम संशोधित भारतीय मानक की संख्या और वर्ष संख्या	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)
1. आईएस 2878 : 2004	संशोधन संख्या 2, जून 2005	30 जून, 2005

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुंबई तथा शाखा कार्यालयों : अहमदाबाद, बंगलूर, भोपाल, भुवनेश्वर, कोयंबटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[ सं. : सीईडी 22/राजपत्र ]

जे. सी. अरॉरा, वैज्ञानिक 'ई' व प्रमुख (सिविल इंजीनियरी)

New Delhi, the 28th July, 2005

S.O. 2899.—In pursuance of clause (b) of sub-rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

## SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 2878 : 2004	Amendment No. 2, June 2005	30 June 2005

Copy of this Standards is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. : CED 22/Gazette]

J. C. ARORA, Sc. 'E' and Head (Civil Engg.)

नई दिल्ली, 29 जुलाई, 2005

का. आ. 2900.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक (को) में संशोधन किया गया/किये गये हैं :

## अनुसूची

क्रम संशोधित भारतीय मानक की संख्या और वर्ष संख्या	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)
1. आईएस 3597 : 1998	संशोधन संख्या 2, जुलाई 2005	31 जुलाई, 2005

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. : सीईडी 53/राजपत्र]

जे. सी. अरोड़ा, वैज्ञानिक 'ई' व प्रमुख (सिविल इंजीनियरी)

New Delhi, the 29th July, 2005

**S.O. 2900.**—In pursuance of clause (b) of sub-rule (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

## SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 3597 : 1998	Amendment No. 2, July 2005	31 July 2005

Copy of this Standards is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkatta, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. : CED 53/Gazette]

J. C. ARORA, Sc. 'E' and Head (Civil Engg.)

नई दिल्ली, 3 अगस्त, 2005

**का. आ. 2901.**—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं।

## अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस 1856 : 2005 दुलाई प्रयोजनों के इस्तेमाल के लिए इस्पात की तार रस्सियाँ—विशिष्ट (तीसरा पुनरीक्षण)	आई एस 1856 : 1977 दुलाई प्रयोजनों के इस्तेमाल के लिए इस्पात की तार रस्सियाँ—विशिष्ट (दूसरा पुनरीक्षण)	1 अगस्त 2005
2.	आईएस 9121 : 2005 गैस सिलिंडर वाल्व की 1/16 शुंडाकार टाइप 1 (साइज 2) चूड़ियों की जाँच के लिए निरीक्षण गेज—विशिष्ट (पहला पुनरीक्षण)	आईएस 9121 : 1979 गैस सिलिंडर वाल्व की 1/16 शुंडाकार टाइप 1 (साइज 2) चूड़ियों की जाँच के लिए निरीक्षण गेज—विशिष्ट	1 अगस्त 2005

इन भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. : एम ई डी/जी-2 : 1]

सी. के. वेदा, वैज्ञा. 'एफ' एवं प्रमुख (यांत्रिक इंजीनियरिंग)



New Delhi, the 3rd August, 2005

**S.O. 2901.**—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

**SCHEDULE**

Sl. No.	No. & Year of the Indian Standards, Established	No. and Year of Indian Standards, if any, superseded by the New Indian Standard	Date of Established
1.	IS 1856 : 2005 Steel wire ropes for haulage purposes—Specification (Third Revision)	IS 1856 : 1977 Steel wire ropes for haulage purposes—Specification (Second Revision)	1 August 2005
2.	IS 9121 : 2005 Inspection gauges for checking Type 1 (size 2) Taper threads of gas cylinder valves, Taper 1 in 16—Specification (First Revision)	IS 9121 : 2005 Inspection gauges for checking Type 1 (size 2) Taper threads of gas cylinder valves, Taper 1 in 16—Specification	1 August 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. : MED/G-2 : 1]

C. K. VEDA, Sc. 'F' &amp; Head (Mechanical Engineering)

नई दिल्ली, 3 अगस्त, 2005

**का. आ. 2902.**—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक (कों) में संशोधन किया गया/किये गये हैं :

**अनुसूची**

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1.	आईएस 1856 : 2005 हुलाई प्रयोजनों के इस्तेमाल के लिए इस्पात की तार रस्सियाँ—विशिष्ट (तीसरा पुनरीक्षण)	संशोधन संख्या 1, जुलाई 2005	1 अगस्त, 2005

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमईडी/जी-2 : 1]

सी. के. वेदा, वैज्ञा. 'एफ' एवं प्रमुख (यांत्रिक इंजीनियरिंग)

New Delhi, the 3rd August, 2005

**S.O. 2902.**—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standard Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

**SCHEDULE**

Sl. No.	No. & Year of the Indian Standards	No. and Year of the amendment	Date from which the amendment shall have effect
1.	IS 1856 : 2005 Steel wire ropes for haulage purposes—Specification (Third Revision)	Amendment No. 1, July 2005	1 August 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. : MED/G-2 : 1]

C. K. VEDA, Sc. 'F' &amp; Head (Mechanical Engineering)

नई दिल्ली, 8 अगस्त, 2005

का. आ. 2903.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :

## अनुसूची

क्रम संख्या	संशोधित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	15549 : 2005, स्थिर वाल्व नियंत्रित लैड एसिड बैटरियाँ—विशिष्ट	—	30 जून, 2005

इन भारतीय संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी11/टी-67]

पी. के. मुखर्जी, वैज्ञा. 'एफ' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 8th August, 2005

S.O. 2903.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

## SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 15549 : 2005, Stationary Valve Regulated Lead Acid Batteries—Specification	—	30 June 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. : ET 11/T-67]

P. K. MUKHERJEE, Sc. 'F' &amp; Head (Electro Technical)

नई दिल्ली, 10 अगस्त, 2005

का. आ. 2904.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं।

## अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस 7903 : 2005 वस्त्रादि—उच्च घनत्व पोलिइथलीन बुने कपड़े से बने तिरपाल—विशिष्ट (तीसरा पुनरीक्षण)	आई एस 7903 : 1995	जुलाई, 2005

(1)	(2)	(3)	(4)
2.	आईएस 12131 : 2005 वस्त्रादि—वर्स्टेड सूटिंग—विशिष्ट (पहला पुनरीक्षण)	आई एस 12131 : 1987 एवं आई एस 12132 : 1987	जुलाई, 2005

इन भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[ संदर्भ : टीएक्सडी/जी-25 ]

एस. एस. वर्मा, निदेशक एवं प्रमुख (टीएक्सडी)

New Delhi, the 10th August, 2005

**S.O. 2904.**—In pursuance of clause (b) of sub-rule (1) of Rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

**SCHEDULE**

Sl. No.	No. & Year of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 7903 : 2005 Textiles—Tarpaulins made from high density polythylene woven fabric—Specification (third revision)	7903 : 2005	July, 2005
2.	12131 : 2005 Textiles—Worsted suitings—Specification (first revision)	12131 : 1987 & 12132 : 1987	July, 2005

Copy of these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. : TXD/G-25]

M. S. VERMA, Director &amp; Head (Textiles)

नई दिल्ली, 10 अगस्त, 2005

**का. आ. 2905.**—केंद्रीय सरकार, भारतीय मानक ब्यूरो अधिनियम, 1986 (1986 का 63) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एतद्वारा श्री स्वयं प्रकाश शर्मा, भा.प्र.से. (हरियाणा : 74) को 3 अगस्त, 2005 (अपराह्न) से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, इनमें से जो भी पहले हो, 22,400-525-24,500 रुपये के वेतनमान में भारतीय मानक ब्यूरो का महानिदेशक नियुक्त करती है।

[सं. 2/17/2004-बी आई एस]

देश बन्धु, अवर सचिव

New Delhi, the 10th August, 2005

**S.O. 2905.**—In exercise of the powers conferred by sub-section (1) of Section 7 of the Bureau of Indian Standards Act, 1986 (63 of 1986), the Central Government hereby appoints Shri Svyam Prakash Sharma, IAS (HY : 74) as Director General in Bureau of Indian Standards in the scale of pay of Rs. 22,400-525-24,500 with effect from 3rd August, 2005 (AN) for a period of three years or until further orders whichever is earlier.

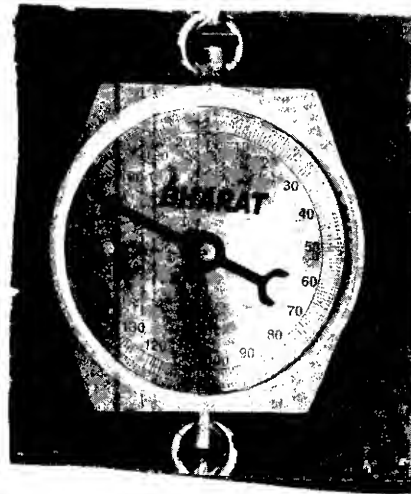
[No. 2/17/2004-BIS]

DESH BANDHU, Under Secy.

नई दिल्ली, 21 जुलाई, 2005

का.अ. 2906.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एन डी एन्टरप्राइजेज, ग्राम नासिरपुर, हिसार रोड, अम्बाला शहर-134003 हरियाणा द्वारा विनिर्मित साधारण यथार्थता (यथार्थता वर्ग-III) वाले सदृश सूचन सहित, अस्वचालित तोलन उपकरण (स्प्रिंग तुला प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "भारत" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/258 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल यांत्रिक स्प्रिंग आधारित अस्वचालित सदृश तोलन उपकरण (स्प्रिंग तुला प्रकार) है। इसकी अधिकतम क्षमता 200 कि.ग्रा. और न्यूनतम क्षमता 10 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 1 कि. ग्रा. है।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 1,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से 500 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

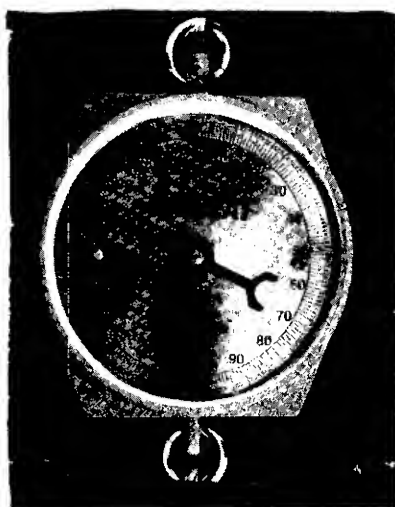
[फा.सं. डब्ल्यू एम 21(338)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 21st July, 2005

**S.O. 2906.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of, non-automatic weighing instrument (Spring balance type) with analogue indication (hereinafter referred to as the said Model), belonging to ordinary accuracy class (accuracy class-III and with brand name "BHARAT", manufactured by M/s. N.D. Enterprises, Village Nasirpur-Hissar Road, Ambala City-134 003 and which is assigned the approval mark IND/09/05/258;



The said model is a mechanical spring based non-automatic weighing instrument (Spring Balance type) with a analogue of maximum capacity 200 kg and minimum capacity of 10kg. The verification scale interval (e) is 1 kg.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 500kg and with number of verification scale interval (n) in the range of 100 to 1000 for 'e' value of 5g and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

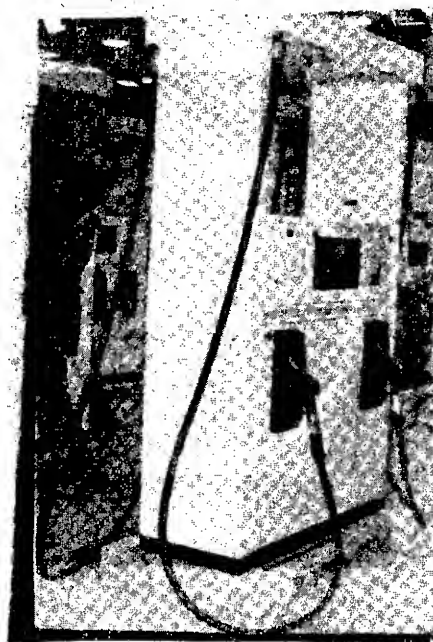
[F. No. WM-21(338)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 21 जुलाई, 2005

का.आ. 2907.—केन्द्रीय सरकार का, निदरलैंड मीटिस्टीट्यूट, हगो डी ग्रूटपेन 1, डोरडुंकर द्वारा जारी मॉडल अनुमोदन प्रमाण पत्र सहित विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, निदरलैंड को यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दो गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स टोकहम यू के लि., युनिट 3, बाकर रोड, डी डी 5, 3 आर टी, डुंडी, स्काटलैंड द्वारा विनिर्मित और भारत में मैसर्स लार्सन एंड टर्बो लि. पट्रोल पंप डिवीजन, पोवाई वर्क्स, पोवाई वेस्ट, मुंबई-400072 द्वारा विपणित क्वांटिम शृंखला के, बहुउत्पाद ईंधन वितरक (जल से भिन्न द्रवों के लिए मीटर) है जसके ब्राण्ड का नाम "क्वांटिम-टी-1" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/13/04/30 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल बहुउत्पाद क्वांटिम—शृंखला के एस एम 80 मीटरिंग यूनिट ई पी जेड एक्शन यूनिट डब्ल्यू डब्ल्यू केलकुलेटर सहित वितरण पंप है। पंप का अपकेन्द्री आठ ईंधन की स्थितियों सहित बहुउत्पाद है। इसका अधिकतम बहाव की दर 45 लीटर प्रति मिनट या 80 लीटर प्रति मिनट एकल मीटरिंग यूनिट के लिए है और 130 लीटर प्रति मिनट, सक्शन पद्धति या दाब पर कार्य करने वाली दो मीटरिंग यूनिट सहित न्यूनतम बहाव दर 4 लीटर प्रति मिनट है। न्यूनतम मापन मात्रा 2 लीटर है। आकृति, आयल प्रीमिक्स सिस्टम सहित है "वोल्यू" 6 अंकीय प्रदर्श द्वारा प्रदर्शित है, यूनिट मूल्य 6 अंकीय प्रदर्श पर है और "माक्स प्राइस टू पे" 4 अंकीय प्रदर्श है। उपकरण यथार्थता वर्ग 0.5 का है।

[फा.सं. डब्ल्यू एम-21(72)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 21st July, 2005

**S.O. 2907.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the model approval certificate issued by the Netherland Meetinsitute, Hugo De Grootpein 1, Dorderecht, The Netherlands, is satisfied that the models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby approves, issued and publishes the certificate of approval of the model of Multi Products Fuel Dispenser (Meter for liquid other than water) of brand name "QUANTIUM-T 1" with series Quantum manufactured by M/s. Tokheni UK Ltd., Unit 3, Baker Road, DD5, 3RT Dundee, Scotland and marketed in India by M/s. Larsen and Toubro Ltd., Petrol Pump Division, Powai Works, Powai West, Mumbai-400 072 and which is assigned the approval mark IND/13/04/30.



The model is a multi product dispensing pump of Quantum T series with SM 80 metering units, EPZ Suction units, WWC calculator. The pump configuration consists of multi product with maximum of eight fueling positions. The maximum flow rate is 45 litres per minute or 80 litres per minute for single metering unit and 130 litres per minute with two metering units working on pressure or suction systems. The minimum flow rate is 4 litres per minute. The minimum measured quantity is 2 litres. The configuration is provided with Oil pre mix systems. 'Volume' is indicated by 6 digits display, 'Unit price' on a 6 digits display and 'max price to pay' on 4 digit display. The instrument belong to accuracy class 0.5.

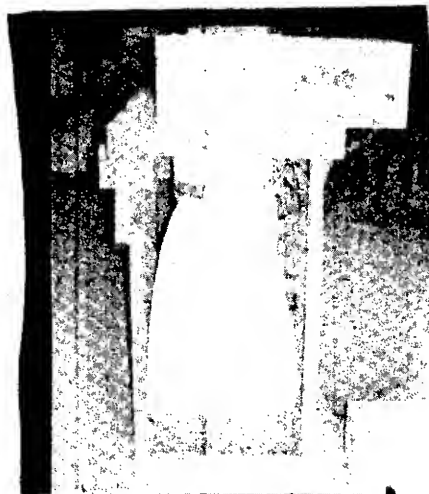
[F. No. WM-21(72)/2004]

P. A. KRISHNAMCORTHY, Director of Legal Metrology

नई दिल्ली, 21 जुलाई, 2005

**का.आ. 2908.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एप्रोटेक इंजीनियर प्रा. लि., 1573, सेक्टर-7 ई, फरीदाबाद-121006 हरियाणा द्वारा विनिर्मित "ए जी एफ" श्रृंखला के स्वचालित भरात्मक भरण मशीन के मॉडल का, जिसके ब्राण्ड का नाम "एप्रोटेक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/89 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का लोड सेल आधारित अंकक सूचन सहित, स्वचालित भरण मशीन है। इसकी अधिकतम क्षमता 50 कि.ग्रा. है। इसकी अधिकतम भरण दर 200 थैली प्रति मिनट है। मशीन को चाय, चीनी, चावल, बीज, मिष्ठान इत्यादि जैसे मुक्त बहाव वाले उत्पादों को भरने के लिए डिजाइन किया गया है। निर्वात प्रतिदीप्त प्रदर्श तोलन परिणाम उपदर्शित करता है।

स्ट्याम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के स्वचालित भरण उपकरण भी होंगे जो 100 ग्रा. से 50 कि. ग्रा. तक के रेंज में हैं।

[फा.सं. डब्ल्यू एम-21(154)/2004]

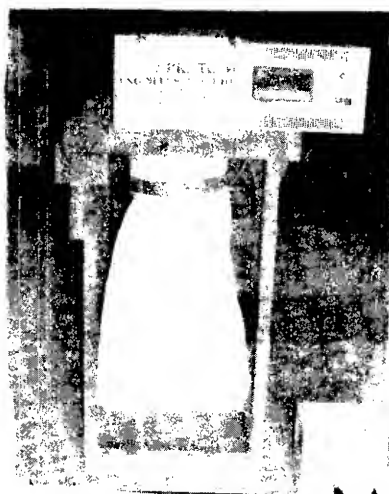
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान



New Delhi, the 21st July, 2005

**S.O. 2908.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of automatic gravimetric filling machine of 'AGF' series with brand name "APROTECH" (hereinafter referred to as the said Model), manufactured by M/s. Aprotech Engineer Private Limited, 1573, Sector-7E, Faridabad-121 006, Haryana and which is assigned the approval mark IND/09/2005/89;



The model is a strain gauge type load cell based automatic gravimetric filling machine with digital indication. Its maximum capacity is 50kg. It has a maximum fill rate of 200 bags per hour. The machine is designed for filling free flowing products like tea, sugar, rice, seeds, confectionery, etc. The Vacuum Fluorescent Display (VFD) display indicates the weighing results.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of the said section the Central Government hereby declares that this certificate of approval of the said model shall also cover the automatic filling machine of similar make, accuracy and performance of same series with maximum capacity in the range of 100kg to 50kg manufactured by the same manufacturer in accordance with the same principle, design accuracy and with the same materials with which, the said approved model has been manufactured.

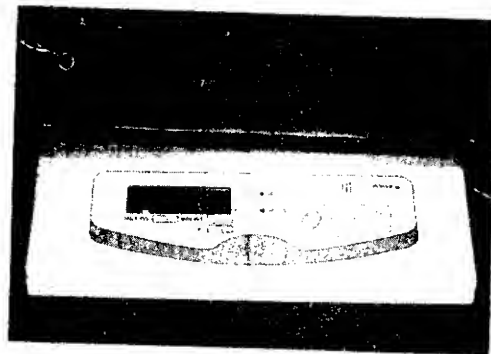
[F. No. WM-21(154)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 21 जुलाई, 2005

का.आ. 2909.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स यूनीक स्केल, 214, राज रतन इण्डस्ट्रियल एस्टेट, एस. एन. डी. टी. कालेज के सामने, माला (प.) मुंबई-400 064 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले 'यू एस टी' श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "यूनीक स्केल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/518 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार भार सेल आधारित अस्वचालित (टेबलटाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा बिद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक रेंज में सत्यापनमान अन्तराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अन्तराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^{-6}$ ,  $2 \times 10^{-6}$  या  $5 \times 10^{-6}$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

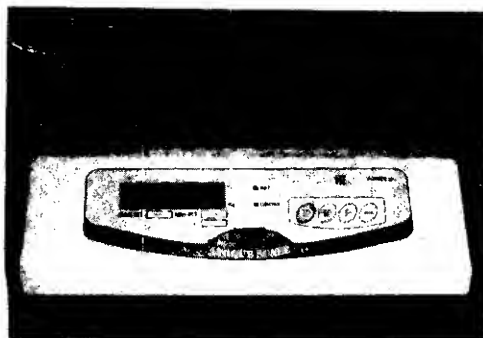
[फा.सं. डब्ल्यू एम-21(317)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 21st July, 2005

**S.O. 2909.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of “UST” series of medium accuracy (Accuracy class-III) and with brand name “Unique Scale” (hereinafter referred to as the said model), manufactured by M/s. Unique Scale, 214, Raj Ratan Industrial Estate, Opp. S.N.D.T. College, Mala (W), Mumbai-400 064, Maharashtra and which is assigned the approval mark IND/09/2004/518;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2g with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principles, design, and with the same materials with which, the said approved model has been manufactured.

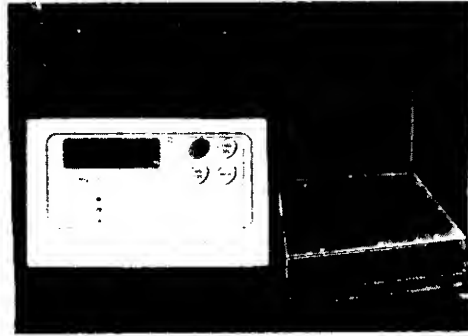
[F. No. WM-21(317)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 21 जुलाई, 2005

का.आ. 2910.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स यूनीक स्केल, 214, राज रतन इण्डस्ट्रियल एस्टेट, एस. एन. डी. टी. कालेज के सामने, माला (प.) मुंबई-400 064 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "यू एस पी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "यूनीक स्केल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/519 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

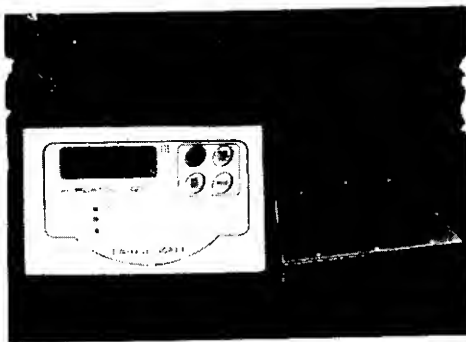
और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अन्तराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 21st July, 2005

**S.O. 2910.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of 'USP' series of medium accuracy (Accuracy class-III) and with brand name "Unique Scale" (hereinafter referred to as the said Model), manufactured by M/s. Unique Scale, 214, Raj Ratan Industrial Estate, Opp. S.N.D.T. College, Mala (W), Mumbai-400064, Maharashtra and which is signed the approval mark IND/09/2004/519;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg and minimum capacity of 4 kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity. Above 50 kg and up to 5000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principles, design, and with the same materials with which, the said approved model has been manufactured.

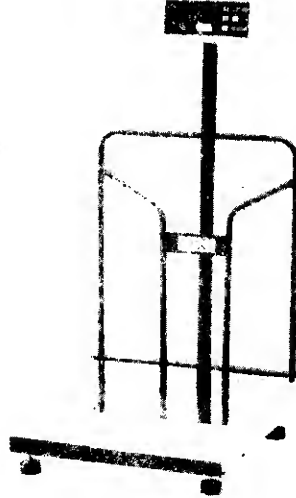
[F. No. WM-21(317)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 21 जुलाई, 2005

**का.अ. 2911.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह संमाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आस्क वे इण्डिया, प्लॉट सं. पी.25, शिवपुरी बाइपास, नूरवाला रोड दशमेश कालोनी, लुधियाना-141008 पंजाब द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "आस्कप" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "आस्क" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/201 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन खोले जाने को रोकने के लिए भी सील की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अन्तराल सहित 50 कि.ग्रा. 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

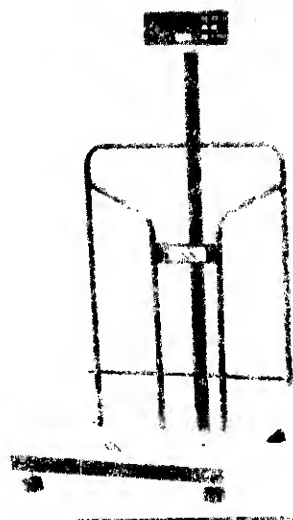
[फा.सं. डब्ल्यू एम-21(267)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 21st July, 2005

**S.O. 2911.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issued and publishes the certificate of approval of non-automatic weighing instrument (Platform type) with digital indication of 'ASKP' series of medium accuracy (Accuracy class-III) and with brand name "ASK" (hereinafter referred to as the said Model), manufactured by M/s. Ask Weigh India, Plot No. P-25, Shivpuri Bypass, Noorwala Road, Dashmesh Colony, Ludhiana-141008, Punjab and which is assigned the approval mark IND/09/2004/201;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500kg and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 1000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved model has been manufactured.

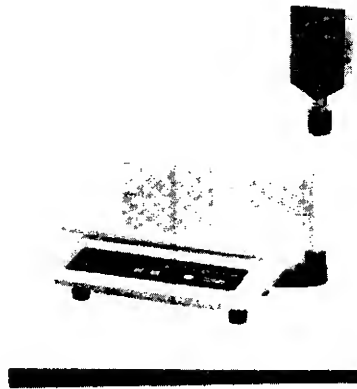
[F. No. WM-21(267)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 21 जुलाई, 2005

का.आ. 2912.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आस्क वे इण्डिया, प्लॉट सं. पी.25, शिवपुरी बाइपास, नूरवाला रोड़ दशमेश कालोनी, लुधियाना-141008 पंजाब द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "आस्कट" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "आस्क" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/200 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित (टेबलटॉप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 15 कि.ग्रा. और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन खोले जाने को रोकने के लिए भी सील की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अन्तराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।



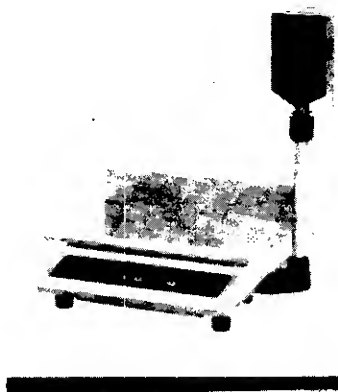
[ फा.सं. डब्ल्यू एम-21(267)/2003 ]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 21st July, 2005

**S.O. 2912.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Table top type) with digital indication of 'ASKP' series of medium accuracy (accuracy class-III) and with brand name "ASK" (hereinafter referred to as the said model), manufactured by M/s. Ask Weigh India, Plot No. P-25, Shivpuri Bypass, Noorwala Road, Dashmesh Colony, Ludhiana-141008, Punjab and which is assigned the approval mark IND/09/2004/200.



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 15kg and minimum capacity of 40g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which the said approved model has been manufactured.

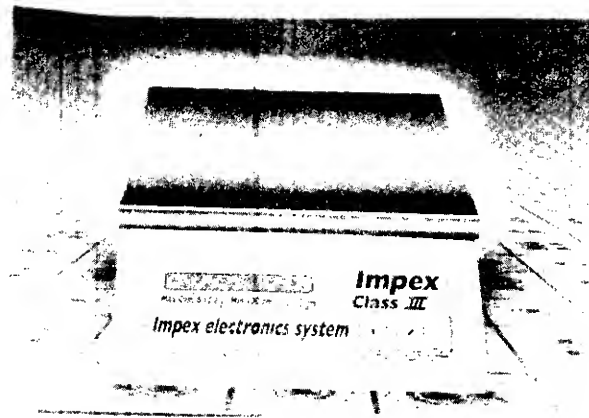
[F. No. WM-21(267)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 21 जुलाई, 2005

का.आ. 2913.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इम्पेक्स डिजिटल सिस्टम, विवेकानन्द मार्केट, पहली मंजिल, दुकान नं. 20 एंड 21, सावर्कुण्डला-364515 (गुजरात) द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "आई डी एस-109" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "इम्पेक्स" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/74 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अंकक सूचन सहित लोड सैल सिद्धान्त पर कार्य करने वाला (टेबल टॉप प्रकार) का अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 12 कि. ग्रा. और न्यूनतम क्षमता 20 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्रा. से 6 कि.ग्रा. तक और 2 ग्रा. से अधिक 6 कि.ग्रा. और 12 कि.ग्रा. तक है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन माप मान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^6$ ,  $2 \times 10^6$  या  $5 \times 10^6$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

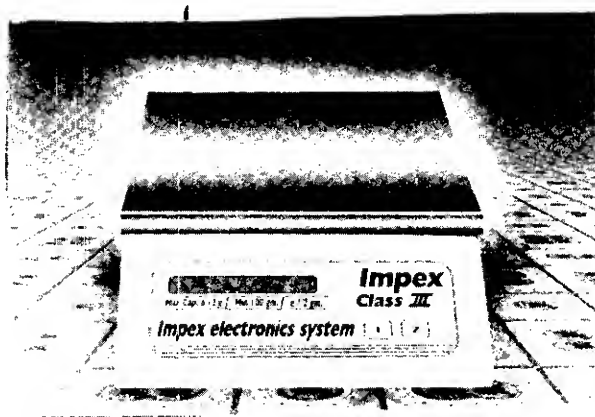
[फा. सं. डब्ल्यू एम-21(219)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 21st July, 2005

**S.O. 2913.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "IDS-109" series belonging to medium accuracy (Accuracy class-III) and with brand name "IMPEX" (hereinafter referred to as the said model), manufactured by M/s. Impex Digital Systems, Vivekanand Market, 1st Floor, Shop No. 20 & 21, Savarkundla-364515, District-Amreli (Gujarat) and which is assigned the approval mark IND/09/2005/74;



The said Model is strain gauge type load cell based non-automatic weighing instrument (Table top type) working on the principle of load cell with digital indication of maximum capacity of 12kg and minimum capacity of 20g. The value of verification scale interval (e) is 1g up to 6kg and 2g above 6kg and up to 12kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(219)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 21 जुलाई, 2005

का.आ. 2914.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इमपेक्स डिजीटल सिस्टम, विवेकानन्द मार्केट, पहली मंजिल, दुकान नं. 20 एंड 21, सावकुण्डला-364515 (गुजरात) द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "आई डी एस" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "इमपेक्स" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/75 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित (प्लेटफार्म प्रकार) का अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि. ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, मथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन माप मान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(219)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 21 July, 2005

**S.O. 2914.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Platform type) weighing instrument with digital indication of "IDS" series of medium accuracy (Accuracy class-III) and with brand name "IMPEX" (herein referred to as the said model), manufactured by M/s Impex Digital Systems, Shop No. 20-21, Vivekanand Market, Savarkundla.-364515 District-Amreli. (Gujarat) and which is assigned the approval mark IND/09/2004/75;



The said Model is strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500kg and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 1000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principles, design, and with the same materials with which, the said approved model has been manufactured.

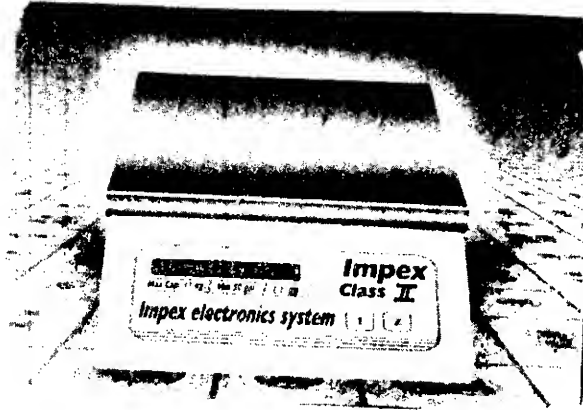
[F. No. WM-21(219)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 21 जुलाई, 2005

का.आ. 2915.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इम्पेक्स डिजिटल सिस्टम, विवेकानन्द मार्केट, पहली मंजिल, दुकान नं. 20 एंड 21, सावकुण्डला-364515 (गुजरात) द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "आई डी एस" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "इम्पेक्स" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/70 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अंकक सूचन सहित लोड सेल सिद्धान्त पर कार्य करने वाला (टेबल टोप प्रकार) का अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 22 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

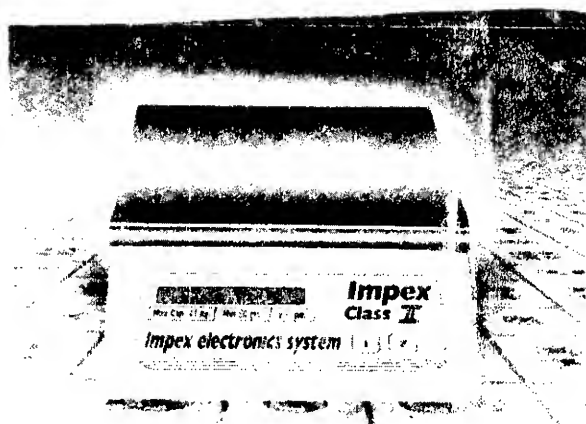
[फा. सं. डब्ल्यू एम-21(219)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 21 July, 2005

**S.O. 2915.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "IDS" series of high accuracy (Accuracy class-II) and with brand name "IMPEX" (herein after referred to as the said model), manufactured by M/s. Impex Digital Systems, Vivekanand Market, 1st Floor, Shop No. 20-21, Savarkundla.-364515 District-Amreli. (Gujarat) and which is assigned the approval mark IND/09/2005/70;



The said Model is strain gauge type load cell based non-automatic weighing instrument (Table top type) working on the principle of load cell with digital indication of maximum capacity 22kg and minimum capacity of 100g. The value of verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also be cover the weighing instruments of similar make, accuracy and performance to same series with maximum capacity above 50kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval(n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principles, design, and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(219)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 21 जुलाई, 2005

**का.आ. 2916.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पार्श्व इन्डस्ट्रीज, प्रेसीटेक कम्पाउंड, सी 1/877/3/ए, जी आई डी सी मकरपुरा, बडोदरा-390010 (गुजरात) द्वारा विनिर्मित "परफिल-1/6" शृंखला के स्वचालित भरण मशीन (पिस्टन फिलर) के मॉडल का, जिसके ब्रांड का नाम "परफिल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/04/373 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक स्वचालित भरण मशीन (पिस्टन फिलर प्रकार) है। इसकी अधिकतम क्षमता 150 मि.ली. और न्यूनतम क्षमता 3 मि. ली. या समतुल्य भार है। यह अधिकतम 30 पाउंच प्रति मिनट की दर से भरती है। मशीन को क्रीम, लोशन आदि जैसे मुक्त बहाव वाले अनुमापी विस्कस द्रवों के लिए डिजाइन किया गया है।

[फा. सं. डब्ल्यू एम-21(127)/2004]

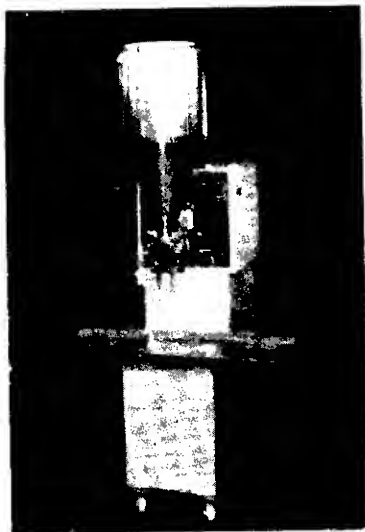
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान



New Delhi, the 21st July, 2005

**S.O. 2916.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of automatic filling machine (Piston filler type) of 'Parfil-1/6' series with brand name "PARFIL" (herein referred to as the said model), manufactured by M/s Parshva Industries, Precitech Compound, C1/877/3/A, G.I.D.C., Makarpura, Vadodara-390 010, Gujarat and which is assigned the approval mark IND/09/04/373;



The said model is an automatic filling machine (Piston filler type). Its maximum capacity is 150ml and minimum capacity is 3ml or equivalent weight. It has a maximum fill rate of 30 pouches per minute. The machine is designed for filling free flowing Volumetric viscous liquids such as creams, lotions etc.

[F. No. WM-21(127)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 21 जुलाई, 2005

का.आ. 2917.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सिंह एन्टरप्राइजेज, मुरादाबाद रोड, नूरपुर, जिला बिजनौर, उत्तर प्रदेश द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "आकाश" शृंखला के सदृश सूचन सहित अस्वचालित तोलन उपकरण (तोल सेतु-विषमभुज तुला प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "आकाश" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/102 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल सदृश सूचन सहित यांत्रिक लीवर आधारित एक अस्वचालित तोलन उपकरण (तोल सेतु-विषमभुज तुला प्रकार का) है। इसकी अधिकतम क्षमता 40 टन और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 कि.ग्रा. है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(43)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 21st July, 2005

**S.O. 2917.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of, non-automatic weighing instrument (Weighbridge-Steel yard type) with analogue indication of "AKASH" series of medium accuracy class (Accuracy class-III) and with brand name "AKASH" (hereinafter referred to as the said model), manufactured by M/s Singh Enterprises, Moradabad Road, Noorpur, District-Bijnor, Uttar Pradesh and which is assigned the approval mark IND/09/2005/102;



The said model is a mechanical lever based non-automatic weighing instrument (Weighbridge-Steelyard type) with analogue indication. The maximum capacity is 40 tonne and minimum capacity is 100kg. The value of verification scale interval 'e' is 5kg.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance to same series with maximum capacity above 5 tonne and up to 100 tonne and with number of verification scale interval(n) in the range of 500 to 10,000 for 'e' value of 5kg or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , K being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured

[F. No. WM-21(43)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 21 जुलाई, 2005

**का.आ. 2918.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स भारत पेट्रोलियम कारपोरेशन लिमिटेड, बिजवासन इंस्टालेशन, बिजवासन, नई दिल्ली द्वारा निर्मित "बी.पी.सी.एल./एम.पी.डी./1" श्रृंखला के अंकक सूचन सहित वितरण पम्प के मॉडल का, जिसके ब्राण्ड का नाम "नन्दी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/303 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल अंकक सूचन सहित समायोजन के लिए व्यास मापन चक्र के लिए उपबंध दो पिस्टन प्रकार घनात्मक विस्थापन मीटर सहित बहु उत्पाद वितरण पम्प है। इसकी अधिकतम प्रवाह दर 40 लीटर प्रति मिनट है। इसमें धन और मात्रा के लिए पूर्व नियत युक्ति है। द्रव क्रिस्टल प्रदर्श (एल सी डी) प्रकार का है। इसकी अधिकतम मात्रा और मूल्य प्रदर्श 9999.99 लीटर और 9999.99 रु. है। इसका सबसे कम प्रदर्श 10 मि.ली. है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों को रोकने के लिए मापन यूनिट और योग मापी को भी सीलबंद भी किया जाएगा।

[फा. सं. डब्ल्यू एम-21(65)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 21st July, 2005

S.O. 2918.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Model) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Dispensing Pump with digital indication of "BPCL/MPD/1" series with brand name "Nandi" (herein after referred to as the said model), manufactured by M/s. Bharat Petroleum Corporation, Limited, Bijwasan instalation, Bijwasan, New Delhi and which is assigned the approval mark IND/09/05/303;



The said model is a multiproduct dispensing pump with digital display with two piston type positive displacement meter provided for calibration wheel for adjustment. The maximum flow rate is 40 litre per minute. It has preset device for money and volume. The display is of liquid crystal display (LCD) type. The maximum volume and price display is 9999.99 litre and Rs. 9999.99 the smallest display is 10ml. The instrument operates on 230 Volts, 50Hertz alternate current power supply. In addition to sealing the stamping plate, sealing is also done on the Metering unit and totalized to prevent the fraudulent practices.

[F. No. WM-21(65)/2003]

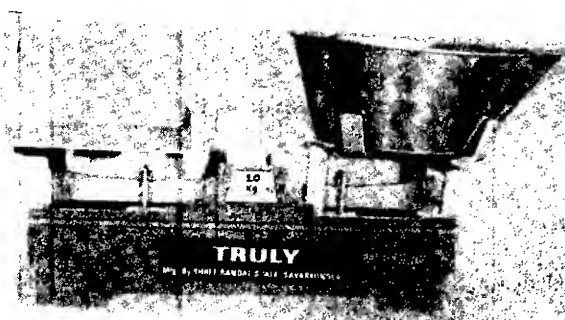
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 21 जुलाई, 2005

का.अ. 2919.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स श्री रेन्डल स्केल इड., कनानी नगर, रामजी मंदिर रोड, सावरकुण्डला-364515, गुजरात द्वारा विनिर्मित गणक मशीन के मॉडल का, जिसके ब्रांड का नाम "ट्रुली" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/341 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक गणक मशीन है इसकी अधिकतम क्षमता 10 कि.ग्रा. है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के स्वचालित भरण उपकरण भी होंगे जो 500 ग्रा. से 50 कि.ग्रा. तक के रेंज वाले हैं।

[फा. सं. डब्ल्यू एम-21(28)/2005]

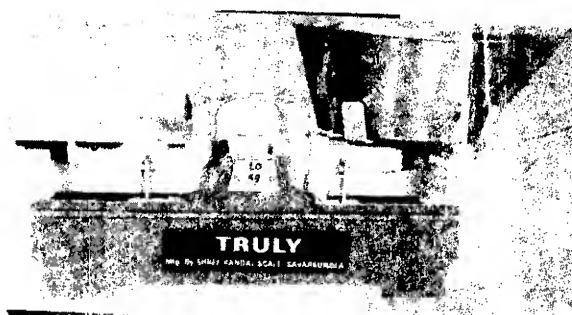
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 21st July, 2005

**S.O. 2919.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of counter machine with brand name "Truly" (herein referred to as the model), manufactured by M/s. Shree Randal Scale Ind., Kanani Nagar, Ramji Mandir Road, Savarkundla-364515, Gujarat and which is assigned the approval mark IND/09/2005/341;

The said model (see the figure given below) is a counter machine with maximum capacity of 10 kg.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance to same series with maximum capacity in the range of 500g. to 50kg. manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

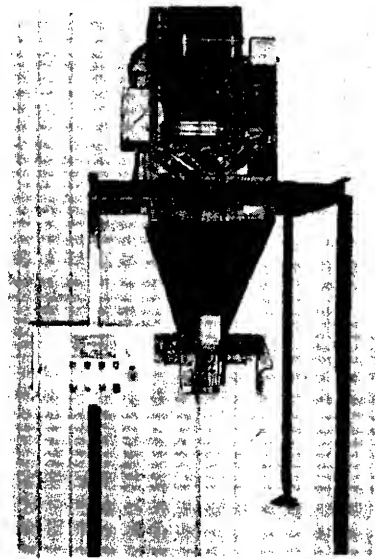
[F. No. WM-21(28)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 21 जुलाई, 2005

**का.आ. 2920.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेंकटेश्वर इंजीनियर्स प्रा. लि., 114ए, से.-5 के, एन आई टी, फरीदाबाद-121001 हरियाणा द्वारा निर्मित "वी ई 01" शृंखला के स्वचालित भारमितीय भरण मशीन के मॉडल का, जिसके ब्रांड का नाम "वेंकटेश्वर" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/332 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का भार सैल आधारित स्वचालित भारमितीय यथार्थता वर्ग X (i) वाले भरण उपकरण है। इसकी अधिकतम क्षमता 50 कि. ग्रा. है। इसकी अधिकतम भरण दर 20 बैग प्रति मिनट है। उक्त मॉडल उत्पादन के पूर्व नियम मूल्य सहित शुद्ध भार के बिना है और प्रोग्राम किए जाने योग्य है। द्रव क्रिस्टल प्रदर्श (एल सी डी) तोलन परिणाम उपदर्शित करता है। यह मशीन अनाज, चाय, चीनी, बीज, लवण पैट्रोसायन, रसायनिक चूर्ण, रिफैरी सामग्री जैसे उत्पादों के भरण के लिए डिजाइन किया हुआ है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के स्वचालित भरण मशीन भी होंगे अधिकतम क्षमता 1 कि. ग्रा. से 100 कि. ग्रा. तक रेंज में हैं।

[फा. सं. डब्ल्यू एम-21(308)/2004]

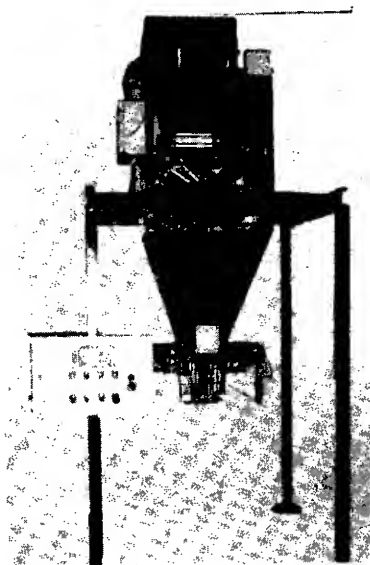
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान



New Delhi, the 21st July, 2005

**S.O. 2920.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of automatic gravimetric filling instrument of 'VE01' series with brand name "VENKATESHWARA" (hereinafter referred to as the said model), manufactured by M/s Venkateshwara Engineers, No. 5K-114A, NIT, Faridabad-121 001, Haryana and which is assigned the approval mark IND/09/05/333;



The said Model is strain gauge type load cell based automatic gravimetric filling instrument belonging to accuracy class X(1). Its maximum capacity is 50kg. It has a maximum fill rate of 20 bags per minute. The said model is made for the net weighing of the products with a pre fix value and is programmable. The Liquid Crystal Display (LCD) indicate the weighing result. The machine is designed for filling of products like food grains, tea, sugar, seeds, salts, petrochemicals, chemicals powder, refractory materials etc.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also be cover the automatic filling machine of similar make, accuracy and performance of same series with maximum capacity in the range of 1kg to 100kg manufactured by the same manufacturer in accordance with the same principles, design, and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(308)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 26 जुलाई, 2005

का.आ. 2921.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स कैनन वेइंग सिस्टम्स, प्राइवेट लिमिटेड, केनरा बैंक के सामने, बेगुर रोड, बंगलोर-560068 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "सी पी सी" श्रृंखला के अस्वचालित तोलन उपकरण (यांत्रिक प्लेटफार्म के लिए कन्वर्जन किट प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम 'कैनन' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/209 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृत गैज प्रकार का भार सेल आधारित स्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि. ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के सीलबन्द के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन माप मान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

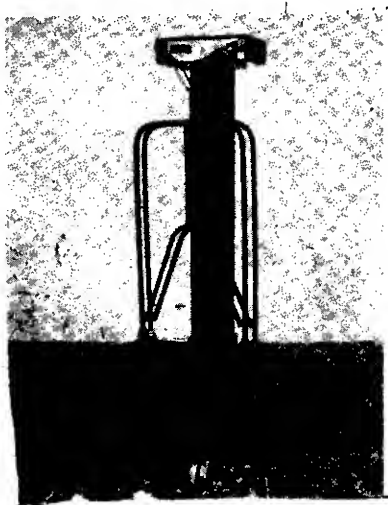
[फा. सं. डब्ल्यू एम-21(278)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th July, 2005

**S.O. 2921.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Conversion kit for mechanical platform) with digital indication of "CPC" series belonging to medium accuracy (Accuracy class-III) and with brand name "CANON" (herein after referred to as the said model), manufactured by M/s Canon Weighing System Private Limited, Opp. Canara Bank, Begur Road, Patel Layout, Bangalore-560 068 and which is assigned the approval mark IND/09/05/000.



The said Model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 300kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 1000kg and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(278)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 26 जुलाई, 2005

का.आ. 2922.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स कैनन वेइंग सिस्टम्स, प्राइवेट लिमिटेड, केनरा बैंक के सामने, बेगुर रोड, बंगलोर-560068 द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "सी डब्ल्यू सी" श्रृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (तुलनपुल के लिए कन्वर्जन किट हाइब्रिड) के मॉडल का, जिसके ब्राण्ड का नाम "कैनन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/208 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृत गैज प्रकार का भार सेल आधारित (तोलनपुल के लिए कन्वर्जन किट-हाइब्रिड प्रकार) अस्वचालित तोलन उपकरण है। जो कंपाउंड लीवर पद्धति के सिद्धांत पर कार्य करता है। इसकी अधिकतम क्षमता 40,000 कि. ग्रा. और न्यूनतम क्षमता 200 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के सीलबन्द के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि. ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(278)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th July, 2005

**S.O. 3922.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Conversion kit for weighbridge-hybrid type) with digital indication of "CWC" series belonging to medium accuracy (Accuracy class-III) and with brand name "CANON" (herein after referred to as the model), manufactured by M/s Canon Weighing System Private Limited, Opp. Canara Bank, Begur Road, Patel Layout, Bangalore-560 068 and which is assigned the approval mark IND/09/05/208;



The said Model is a strain gauge type load cell based non-automatic weighing instrument working on the principle of compound level system (conversion kit for weighbridge-hybrid type) with maximum capacity of 40,000kg and minimum capacity of 200kg. The verification scale interval (e) is 10kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also be cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg of more with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

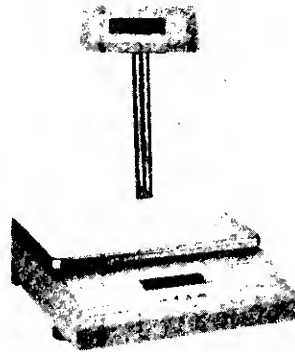
[F. No. WM-21(278)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 26 जुलाई, 2005

का.आ. 2923.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स डीलक्स स्केल इण्डस्ट्रीज, सं. 1, धातरी टेनामेंट्स, थाक्करबापा नगर रोड, लाभार्थ सोसायटी के पास, अहमदाबाद-380050 गुजरात द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "डी टी टी-30" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "डीलक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/168 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(38)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th July, 2005

**S.O. 2923.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "DTT-30" series of medium accuracy (Accuracy class-III) and with brand name "DELUX" (herein referred to as the said model), manufactured by M/s Delux Scale Industries No. 1, Dhatri Tenaments, Thakkarbapa Nagar Road, Near Labhrath Society, Ahmedabad-380 050, Gujarat and which is assigned the approval mark IND/09/2004/168;



The said Model (see the figure given above) is a strain gauge type load cell based non-automatic weighing instrument (Table Top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

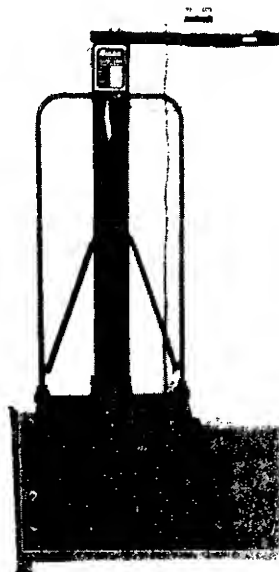
[F. No. WM-21(38)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 21 जुलाई, 2005

**का.आ. 2924.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इक्विपमेंट इंडिया, पो. बॉक्स नं. 6904, नं. 11, अवरामपालेयम रोड, कोयम्बतूर-641044 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "ई आई-पी ए सी" श्रृंखला के अस्वचालित तोलन उपकरण (प्लेटफार्म मशीन के लिए कनवर्शन किट प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "सीको" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/251 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का अंकक सूचन सहित लोड सेल सिद्धान्त पर कार्य करने वाला लोड सैल आधारित (प्लेटफार्म मशीन के लिए कनवर्शन किट) मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि. ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम.-21(65)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान



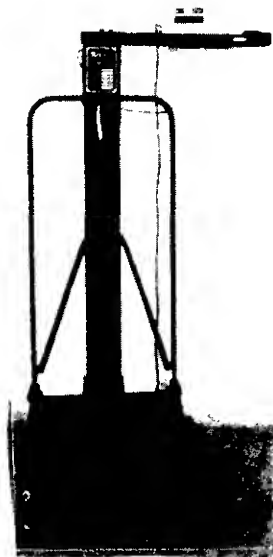
New Delhi, the 21st July, 2005

**S.O. 2924.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Conversion kit for Platform machine) with “EI-PAC” series belonging to medium accuracy (accuracy class-III) and with brand name “SIECO” (herein referred to as the said model), manufactured by M/s. Equipments India, Post Box No. 6904, No. 11, Avrampalayam Road, Coimbatore-641 044, Tamil Nadu and which is assigned the approval mark IND/09/2005/251;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Conversion kit for Platform machine) working on the principle of load cell with digital indication of maximum capacity 300kg, minimum capacity 2kg and belonging to medium accuracy class (accuracy class-III). The value of verification scale interval ‘e’ is 100g. The display unit is of Light Emitting Diode (LED) type. The instrument operates on 230 Volts, 50 Hz alternative power supply.

In addition to sealing the stamping plate, sealing may also be done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 1000kg and with number of verification scale interval (n) in the range of the range 500 to 10,000 for ‘e’ value of 5g or more and with ‘e’ value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

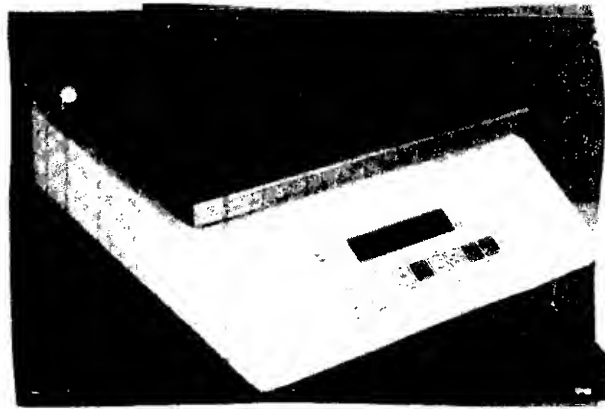
[F. No. WM-21(65)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2005

**का.आ. 2925.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स दर्शन वेईंग सिस्टम प्रा. लि., नाना चिलोड़ा, चार रास्ता, संजय नगर, हिम्मत नगर, हाईवे सं. 8 के निकट, नरोड़ा, अहमदाबाद द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "दर्शन" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "दर्शन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/350 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अंकक सूचन सहित लोड सेल के सिद्धान्त पर कार्य करने वाला तोलन उपकरण (टेबल टाप प्रकार का) है। इसकी अधिकतम क्षमता 20 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक "ई" मान के लिए 100 से 5,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 50,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

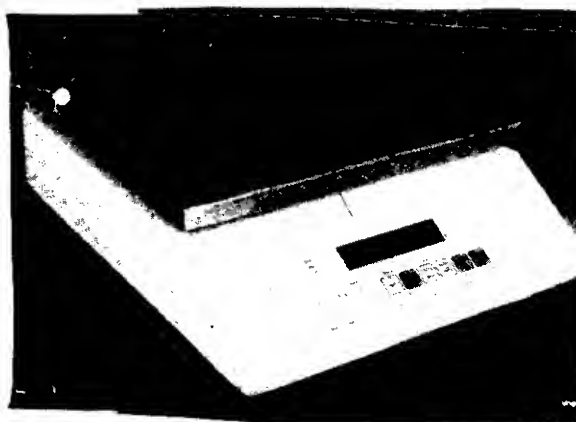
[फा. सं. डब्ल्यू एम-21(13)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2005

**S.O. 2925.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "DARSHAN" series of High accuracy (accuracy class-II) and with brand name "DARSHAN" (herein after referred to as the said model), manufactured by M/s Darshan Weighing System Pvt. Ltd., Nana Chiloda Char Rasta, Near Sanjai Nagar, Himatnagar Highway No. 8, Naroda, Ahmedabad, and which is assigned the approval mark IND/09/2005/350;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) working on the principle of load cell with digital indication of maximum capacity 20kg, and minimum capacity 100g. The verification scale interval 'e' is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 50kg and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 500 to 50,000 for 'e' value of 100mg or more and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(13)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2005

**का.आ. 2926.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स दर्शन वेईंग सिस्टम प्रा. लि., नाना चिलोड़ा, चार रास्ता, संजय नगर, हिम्मत नगर, हाईवे सं. 8 के निकट, नरोड़ा, अहमदाबाद द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "दर्शन" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "दर्शन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/351 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अंकक सूचन सहित लोड सेल के सिद्धान्त पर कार्य करने वाला तोलन उपकरण (प्लेटफार्म प्रकार का) है। इसकी अधिकतम क्षमता 1000 कि. ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक ज्योड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा बिद्युत प्रदाय पर कार्य करता है।

स्टैम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में मापमान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

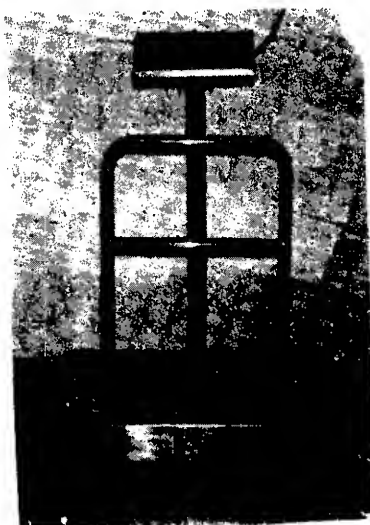
[फा. सं. डब्ल्यू एम-21(13)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2005

**S.O. 2926.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of "DARSHAN" series of medium accuracy (accuracy class-III) and with brand name "DARSHAN" (hereinafter referred to as the said model), manufactured by M/s Darshan Weighing System Pvt. Ltd., Nana Chiloda Char Rasta, Near Sanjai Nagar, Hinthanagar Highway No. 8, Naroda, Ahmedabad, and which is assigned the approval mark IND/09/2005/351;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) working on the principle of load cell with digital indication of maximum capacity of 1000kg, and minimum capacity of 2kg. The verification scale interval 'e' is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity above 50kg and upto 5000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

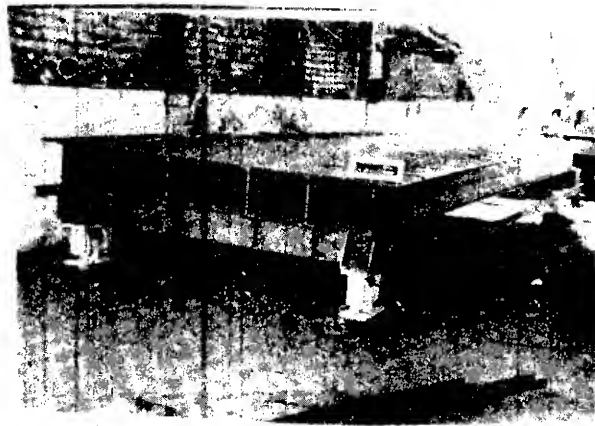
[F. No. WM-21(13)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2005

का.आ. 2927.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है, और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स दर्शन वेईंग सिस्टम प्रा. लि., नाना चिलोड़ा, चार रास्ता, संजय नगर, हिम्मतनगर, हाईवे सं. 8 के निकट, नरोड़ा, अहमदाबाद द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "दर्शन" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (तोल सेतु प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "दर्शन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/352 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अंकक सूचन सहित लोड सेल के सिद्धांत पर कार्य करने वाला तोलन उपकरण (तोल सेतु प्रकार का) है। इसकी अधिकतम क्षमता 50 टन और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में मापमान अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

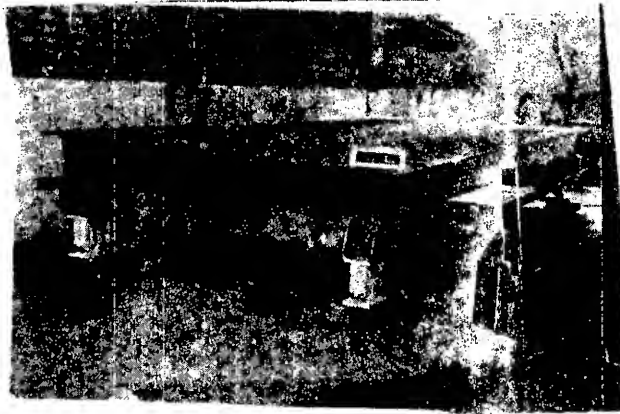
[फा.सं. डब्ल्यू एम-21(13)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2005

**S.O. 2927.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge type) with digital indication of "DARSHAN" series of medium accuracy (accuracy class-III) and with brand name "DARSHAN" (hereinafter referred to as the said model), manufactured by M/s. Darshan Weighing System Pvt. Ltd., Nana Chiloda, Char Rasta, Near Sanjai Nagar, Himatnagar Highway No. 8, Naroda, Ahmedabad and which is assigned the approval mark IND/09/2005/352;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) working on the principle of load cell with digital indication of maximum capacity of 50 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity above 5 tonne and up to 100 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

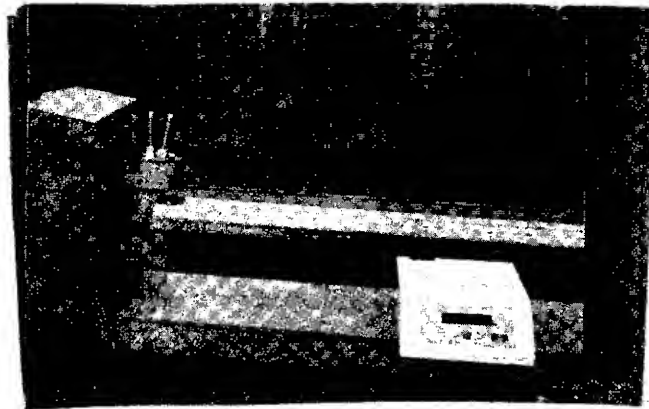
[F. No. WM-21(13)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2005

का.आ. 2928,—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स दर्शन वेईंग सिस्टम प्रा. लि., नाना चिलोड़ा, चार रास्ता, संजय नगर, हिम्मतनगर, हाईवे सं. 8 के निकट, नरोड़ा, अहमदाबाद द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "दर्शन" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (तोल सेतु के लिए कंवर्जन किट प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "दर्शन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/353 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अंकक सूचन सहित लोड सेल के सिद्धांत पर कार्य करने वाला तोलन उपकरण (तोल सेतु के लिए कंवर्जन किट प्रकार का) है। इसकी अधिकतम क्षमता 50 टन और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में मापमान अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(13)/2003]

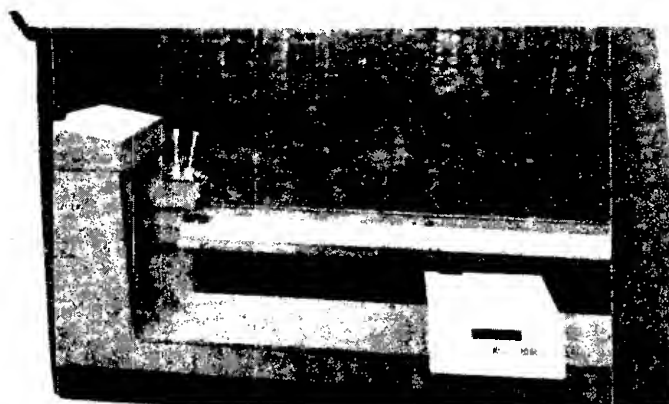
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान



New Delhi, the 1st August, 2005

**S.O. 2928.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Conversion kit for Weighbridge) with digital indication of "DARSHAN" series of medium accuracy (accuracy class-III) and with brand name "DARSHAN" (herein after referred to as the said model), manufactured by M/s. Darshan Weighing System Pvt. Ltd., Nana Chiloda, Char Rasta, Near Sanjai Nagar, Himatnagar Highway No. 8, Naroda, Ahmedabad and which is assigned the approval mark IND/09/2005/353;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Conversion kit for Weighbridge) working on the principle of load cell with digital indication of maximum capacity of 50 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity above 5 tonne and up to 100 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

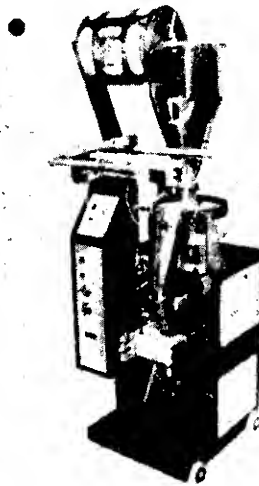
[F. No. WM-21(13)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2005

**का.आ. 2929.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में न्ययुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स बालाजी एन्टरप्राइज, मुरलीधर होटल के पीछे, राजकोट-जामनगर हाईवे, प्लॉट नं. 10/बी, तालुका-पडाहारी, जिला-राजकोट, नारंका-360110 गुजरात द्वारा विनिर्मित "फास्ट" श्रृंखला के स्वचालित भरण मशीन (कप फिलर प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "फास्ट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/197 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल भारात्मक यांत्रिक (कप फिलर प्रकार) स्वचालित भरण मशीन है। इसकी अधिकतम क्षमता 500 ग्रा. है और न्यूनतम क्षमता 1 ग्रा. है। इसका उत्पादन 10 भरण प्रति मिनट है। यह 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। इसका उपयोग लवण, मसाले, दालें, चिप्स, अनाज, चाय, चीनी, चावल, बीज, डिटरजेंट्स उत्पादों को भरने के लिए किया जाता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जिनकी क्षमता 1 ग्रा. से 500 ग्राम तक की रेंज के बीच की है।

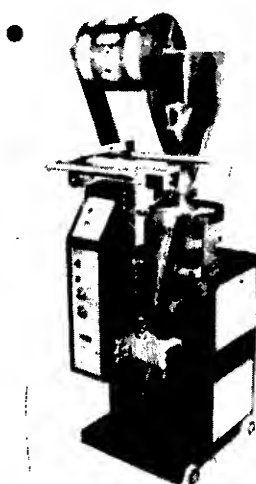
[फा. सं. डब्ल्यू एम-21(321)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2005

**S.O. 2929.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of Automatic Filling Machine (Cup filler) of series "FAST" (herein referred to as the said Model) and with brand name "FAST" manufactured by M/s. Balaji Enterprises, B/h Murlidhar Hotels, Rajkot-Jamnagar Highway, Plot No. 10/B, Taluka-Paddhari, Distt.-Rajkot; Naranka-360 110, Gujarat and which is assigned the approval mark IND/09/05/197;



The said model is a volumetric mechanical (Cup Filler type) automatic filling machine of maximum capacity 500g. and minimum capacity of 1g. Its output is 20 fills per minute. It operates on 230 Volts and 50 Hertz alternative current power supply. It is used for filling the free flowing products such as salts, spices, pulses, chips, grains, tea, sugar, rice, seeds, detergents, pharmaceuticals, agricultural products and the like.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the filling machine of similar make, accuracy and performance of same series with capacity ranging between from 1g to 500g. manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the said approved model has been manufactured.

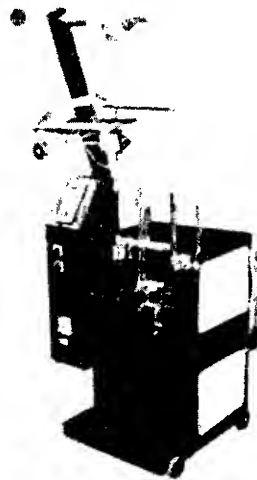
[F. No. WM-21(321)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2005

का.आ. 2930.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स बालाजी एन्टरप्राइज, मुरलीधर होटल के पीछे, राजकोट-जामनगर हाईवे, प्लॉट नं. 10/बी, तालुका-पडाहारी, जिला-राजकोट, नारंका-360110 गुजरात द्वारा विनिर्मित "फास्ट" श्रृंखला के स्वचालित (भारात्मक) भरण मशीन (पिस्टन फिलर प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "फास्ट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/198 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है;



उक्त मॉडल स्वचालित (भारात्मक) भरण मशीन (पिस्टन फिलर प्रकार) है। इसकी अधिकतम क्षमता 500 ग्रा. या समतुल्य मात्रा की और न्यूनतम क्षमता 1 ग्रा. है। इसका उत्पादन 20 भरण प्रति मिनट है। यह 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। इसका उपयोग तेल, रसायन, स्नेहक, घी, वनस्पति, क्रीम, पेन्ट, मिनरल वाटर और इसी प्रकार मुक्त प्रवाह वाले विसकस द्रव को भरने के लिए किया जाता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तौलन उपकरण भी होंगे जिनकी क्षमता 1 ग्रा. से 500 ग्राम तक की रेंज के बीच की है।

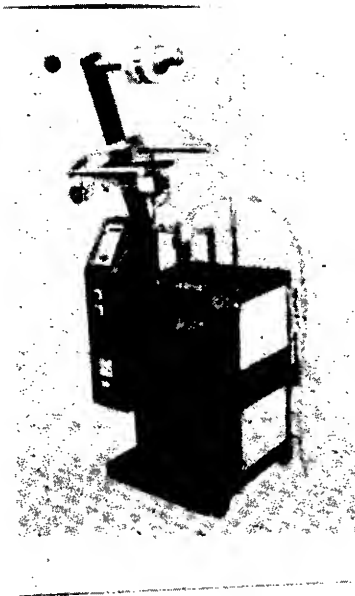
[फा.सं. डब्ल्यू एम-21(321)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2005

**S.O. 2930.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of Model of Automatic Filling Machine (Piston Filler) of series "FAST" (herein referred to as the said Model) and with brand name "FAST" manufactured by M/s. Balaji Enterprises, B/h Murlidhar Hotels, Rajkot-Jamnagar Highway, Plot No. 10/B, Taluka-Paddhari, Distt.-Rajkot, Naranka-360110, Gujarat and which is assigned the approval mark IND/09/05/198;



The said Model is an Automatic Filling Machine (Piston Filler) of maximum capacity 500g. or of equivalent volume and minimum capacity of 1g. Its output is 20 fills per minute. It operates on 230 Volts and 50 Hertz alternative current power supply. It is used for filling the free flowing viscous liquid like oil, chemical, lubricant, ghee, vanaspati, cream, paint, mineral water and the like.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the filling machine of similar make, accuracy and performance of same series with capacity ranging between from 1g to 500g, or of equivalent volume, manufactured by the same manufacturer in accordance with same principle, design, accuracy and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(321)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2005

का.आ. 2931.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स अमन स्केल कं., 101/1/25, चिनयाट कालोनी, सरक्यूलर रोड, रोहतक-124001, हरियाणा द्वारा निर्मित साधारण यथार्थता (यथार्थता वर्ग-II) वाले "अमन" श्रृंखला के मुद्रण सुविधा सहित अस्वचालित तोलन उपकरण (व्यक्ति तोलन मशीन प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "अमन" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/318 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक लीवर आधारित (व्यक्ति तोलन मशीन) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 120 कि. ग्रा. और न्यूनतम क्षमता 10 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 कि.ग्रा. है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 1,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 कि.ग्रा. से अधिक और 200 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$ , के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

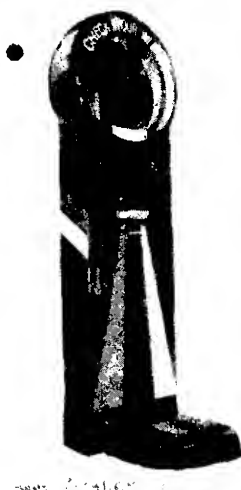
[फा.सं. डब्ल्यू एम-21(365)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st August, 2005

**S.O. 2931.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Person weighing machine) with printing facility of "AMAN" series of ordinary accuracy (accuracy class-II) and with brand name "AMAN" (herein referred to as the said model), manufactured by M/s. Aman Scale Co., 1011/25, Chinyot Colony, Circular Road, Rohatak-124001, Haryana and which is assigned the approval mark IND/09/2005/318;



The said model is a liver based non-automatic weighing instrument (Person weighing machine) with a maximum capacity of 120 kg and minimum capacity of 10kg. The verification scale interval (e) is 1kg.

In addition to sealing the stamping plat, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 100kg and up to 200kg, and with verification scale interval (n) in the range of 100 to 1,000 for 'e' value of 5 g. or more and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the approved model has been manufactured.

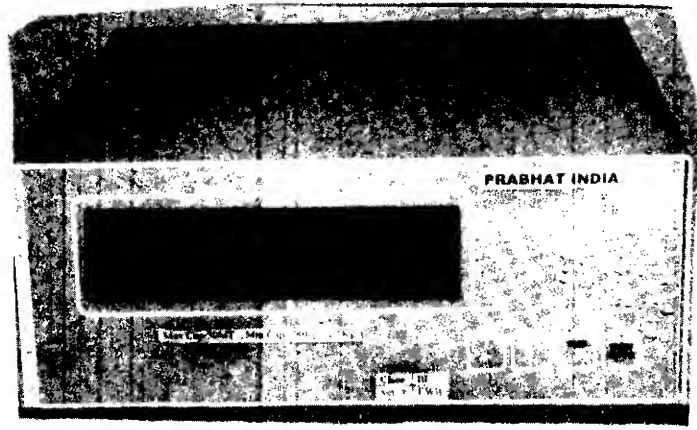
[F. No. WM-21(365)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अगस्त, 2005

का.आ. 2932.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रभात इण्डिया, जे-4 पनाकी इण्डस्ट्रियल ऐरिया, साइड-III, कानपुर-208022 उत्तर प्रदेश द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “ई डब्ल्यू बी” श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम “प्रभात इंडिया” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/376 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित (वेब्रिज प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 50 टन और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में मापमान अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[ फा.सं. डब्ल्यू एम-21(370)/2004 ]

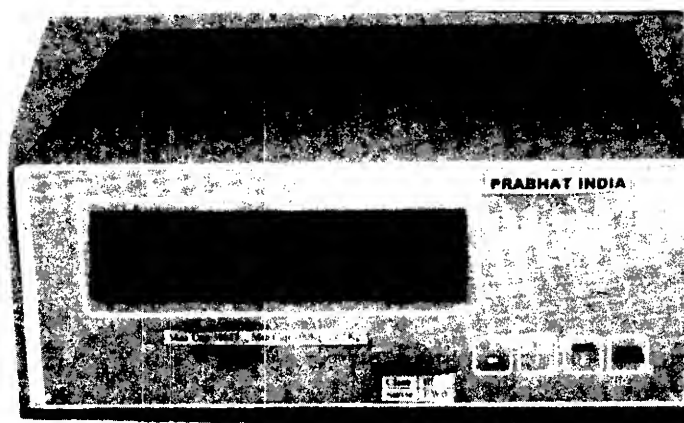
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान



New Delhi, the 1st August, 2005

**S.O. 2932.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge type) with digital indication of "EWB" series of medium accuracy (Accuracy class-III) and with brand name "PRABHAT INDIA" (herein referred to as the said model), manufactured by M/s. Prabhat India, J-4, Panaki Industrial Area, Side-III, Kanpur-208 022, Uttar Pradesh and which is assigned the approval mark IND/09/2005/326;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 50 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plat, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(370)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

## पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 18 अगस्त, 2005

का. आ. 2933.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) ( जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का आ 2726 तारीख 20 अक्टूबर, 2004, जो भारत के राजपत्र तारीख 30 अक्टूबर, 2004 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मुम्बई-पुणे पाइपलाइन विस्तार परियोजना के माध्यम से महाराष्ट्र राज्य में लोणी (पुणे) से पकनी (सोलापुर) तक हजारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 05 जनवरी, 2005 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा ।

## अनुसूची

तालूका : मंगळवेढा		जिला : सोलापुर		राज्य : महाराष्ट्र					
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल				
					हेक्टर	एयर	वर्ग मीटर		
1	2	3	4	5	6	7	8		
1	लक्ष्मी दहिवडी		1100		00	01	88		
			1101		00	59	40		
			1109		00	32	88		
			1102		00	01	21		
			1132		00	03	46		
			1131		00	30	19		
			1130		00	04	56		
			1245		00	71	09		
			1246		00	18	04		
			1247		00	00	10		
			1248		00	09	81		
			1249		00	16	20		
			1250		00	27	63		
			1251		00	62	86		
			1252		00	02	99		
			1254		00	34	32		
			1253		00	08	21		
			गट नंबर 1254, 112 और 108 के बीच का मेटल्ड रास्ता				00	06	62
			112		00	06	49		
			108		00	35	87		
			107		00	00	05		
			106		00	35	37		
			105		00	28	15		
			231		00	51	30		
			100		00	25	20		
			234		00	55	61		
			251		00	17	48		
			252		00	30	24		
			260		00	27	86		
			257		00	15	72		
			गट नंबर 257 से 279 के बीच का अस्फालटेड रास्ता				00	03	13
			280		00	05	18		

तालूका : मंगळवेढा		जिला : सोलापुर		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	लक्ष्मी दहिवाडी (निरंतर)		279		00	10	34
			278		00	14	72
			277		00	10	08
			276		00	14	58
			274		00	25	47
			273		00	15	85
			271		00	03	32
			313		00	80	86
			314		00	00	55
			317		00	56	37
			316		00	46	08
			428		00	00	18
			429		00	35	58
			कुल		10	43	08
2	आंधलगांव		112		00	01	52
			113		00	54	49
			गट नंबर 113 और 112 के बीच का मेटल्ड रास्ता		00	03	37
			114		00	39	42
			115		00	25	94
			118		00	33	41
			130		00	72	83
			131		00	25	22
			गट नंबर 131 और 134 के बीच का मेटल्ड रास्ता		00	04	19
			134		00	28	98
			136		00	29	71
			147		00	02	86
			गट नंबर 136, 147 में मेटल्ड रास्ता		00	00	27
			गट नंबर 150 में मेटल्ड रास्ता		00	03	08
			150		00	00	74
			कुल		03	26	03
3	सेलेवाडी		50		00	01	05
			49		00	13	22
			48		00	88	64

तालूका : मंगळवेढा			जिला : सोलापुर		राज्य : महाराष्ट्र				
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर.	उप-खण्ड सं.	क्षेत्रफल				
					हेक्टर	एयर	वर्ग मीटर		
1	2	3	4	5	6	7	8		
3	सेलेवाडी (निरंतर)		47		00	09	40		
			46		00	08	91		
			45		00	02	74		
			44		00	01	80		
			63		00	00	76		
			42		00	18	62		
			65		00	27	19		
			38		00	01	78		
			66		00	48	09		
			77		00	37	75		
			गट नंबर 77 और 197 के बीच का मेटल्ड रास्ता		00	03	25		
			197		00	15	18		
			196		00	04	42		
			195		00	08	42		
			193		00	10	05		
			191		00	09	98		
			190		00	10	82		
			187		00	09	00		
			186		00	21	89		
			185		00	05	33		
			184		00	05	00		
			167		00	41	56		
			गट नंबर 167 और 168 के बीच का गाडी रास्ता		00	04	40		
			168		00	56	92		
			158		00	00	11		
			157		00	43	25		
			गट नंबर 157में उजनी दहिने तरफ कनाल		00	18	40		
		कुल					05	27	93
		4	अकोले		10		00	07	23
					11		00	01	42
					12		00	08	86
					गट नंबर 12 और 13 के बीच में खडकीरा नाला		00	07	02

तालूका : मंगळवेढा			जिला : सोलापुर		राज्य : महाराष्ट्र			
क्रम सं.	गाव का	नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
						हेक्टर	एयर	वर्ग मीटर
1		2	3	4	5	6	7	8
4	अकोले (निरंतर)			13		00	10	02
				14		00	11	32
				15		00	02	70
				16		00	03	82
				17		00	05	24
				19		00	03	37
				23		00	03	27
				24		00	06	07
				25		00	09	99
				26		00	18	53
				27		00	11	77
				28		00	18	02
				43		00	05	72
				गट नंबर 43 और 252 के बीच में मेटल्ड रास्ता गट नंबर 252 के पास का कनाल		00	04	32
				142		00	29	05
				185		00	69	78
				176		00	34	63
				169		00	33	91
				168		00	38	72
				167		00	13	75
				166		00	08	26
				164		00	21	21
				163		00	06	03
				162		00	04	39
				161		00	03	14
				160		00	08	76
				159		00	04	64
				158		00	05	26
				157		00	15	84
				154		00	04	89
				153		00	03	89
				152		00	06	57
				150		00	03	64
		149		00	03	18		
		148		00	04	11		
		147		00	04	02		
		146		00	01	10		
कुल						04	69	04

तालूका : मंगळवेढा		जिला : सोलापुर		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
5	देवगाँव		99		00	30	03
			98		00	29	47
			146		00	02	51
			97		00	11	72
			96		00	20	11
			87		00	05	04
			86		00	01	81
			83		00	15	20
			142		00	06	67
			143		00	10	73
			144		00	29	19
			79		00	05	38
			78		00	03	72
			कुल		01	71	58
6	धरमगाँव		39		00	00	15
			कुल		00	00	15
7	ढवळस		255		00	16	31
			258		00	11	89
			259		00	01	50
			253		00	26	01
		गट नंबर 253 से } संलग्न कनाल			00	04	58
			252		00	12	09
			251		00	12	45
			250		00	05	72
			249		00	06	58
			248		00	09	41
			247		00	15	46
			246		00	07	81
			245		00	08	98
			244		00	05	90
			243		00	12	78
			242		00	02	42
			241		00	00	03
			233		00	09	47
			232		00	08	94
			231		00	01	76
			230		00	02	06
			227		00	01	96
			226		00	03	54

तालूका : मंगळवेढा			जिला : सोलापुर		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल			
					हेक्टर	एयर	वर्ग मीटर	
1	2	3	4	5	6	7	8	
7	ढवलस (निरंतर)		225		00	04	32	
			224		00	06	67	
			218		00	04	44	
			217		00	36	00	
कुल					02	39	08	
8	मुढवी		374		00	00	69	
			375		00	06	93	
			376		00	14	29	
			377		00	09	64	
			378		00	10	98	
			379		00	00	43	
			382		00	16	36	
			381		00	33	37	
			387		00	18	37	
			388		00	03	92	
			389		00	16	43	
			392		00	13	66	
			394		00	11	82	
			395		00	35	89	
			गट नंबर 401 में	}		00	03	83
			मेटल्ड रास्ता					
			401		00	15	38	
			429		00	16	57	
			430		00	17	01	
			463		00	07	80	
			464		00	05	02	
			465		00	04	92	
			466		00	03	55	
			467		00	03	63	
			470		00	07	08	
			471		00	02	59	
			480		00	02	98	
	483		00	13	30			
	485		00	04	88			
	486		00	05	40			
	488		00	03	99			
	511		00	18	36			
	510		00	02	10			
	512		00	04	46			
	513		00	06	30			
	514		00	11	94			



तालूका : मंगलवेद			जिला : सोलापुर		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
8	मुढवी (निरंतर)		515		00	19	69
			524		00	17	90
			523		00	08	44
			518		00	10	03
			312		00	07	34
			311		00	03	25
			309		00	00	99
			308		00	00	04
			307		00	00	72
			284		00	15	38
			285		00	05	90
			272		00	10	37
			273		00	12	95
			274		00	08	53
			275		00	05	80
			276		00	03	16
			277		00	13	13
			237		00	04	89
			236		00	07	99
			235		00	08	56
			234		00	07	24
			233		00	04	65
			232		00	00	05
		गट नंबर 230 और					
		162 के बीच का					
		अस्फालटेड रास्ता					
			162		00	23	50
			163		00	07	07
			164		00	11	65
			165		00	27	61
			178		00	18	72
			174		00	25	79
			172		00	09	31
			171		00	10	42
			170		00	06	53
			169		00	11	36
			168		00	06	21
			167		00	12	03
			166		00	09	21
			119		00	13	27

तालूका : मंगळवेढा			जिला : सोलापुर		राज्य : महाराष्ट्र			
क्रम सं.	गाव का	नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
						हेक्टर	एयर	वर्ग मीटर
1		2	3	4	5	6	7	8
8	मुढवी (निरंतर)			118		00	10	37
				117		00	26	87
				94		00	10	25
				95		00	00	38
				कुल		07	72	45
9	उचैखण			152		03	32	02
				गट नंबर 152 में	}			
				मेटल्ड रास्ता		00	01	93
				183		00	21	15
				184		00	00	65
				185		00	36	43
				गट नंबर 185 और	}			
		गाँव सीमा आंबेचिंचोली	00	28		68		
		के बीच में भिमा नदी						
				कुल		04	20	86

[फा. सं. आर-31015/22/2004-ओ.आर-II]

हरीश कुमार, अवर सचिव

**MINISTRY OF PETROLEUM AND NATURAL GAS**

New Delhi, the 18th August, 2005

S. O. 2933. Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2726 dated the 20<sup>th</sup> October, 2004, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 30<sup>th</sup> October, 2004, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products from Loni (Pune) to Pakni (Solapur) (via Hazarwadi) in the State of Maharashtra through Mumbai-Pune Pipeline Extension Project by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 5<sup>th</sup> January, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of this declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances.

## SCHEDULE

Taluka : MANGALVEDHA			District : SOLAPUR		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
1	LAKSHMI DAHIVADI		1100		00	01	88
			1101		00	59	40
			1109		00	32	88
			1102		00	01	21
			1132		00	03	46
			1131		00	30	19
			1130		00	04	56
			1245		00	71	09
			1246		00	18	04
			1247		00	00	10
			1248		00	09	81
			1249		00	16	20
			1250		00	27	63
			1251		00	62	86
			1252		00	02	99
			1254		00	34	32
			1253		00	08	21
			Metalled Road in between Gat No 1254, 112 & 108		00	06	62
			112		00	06	49
			108		00	35	87
			107		00	00	05
			106		00	35	37
			105		00	28	15
			231		00	51	30
			100		00	25	20
			234		00	55	61
			251		00	17	48
			252		00	30	24
			260		00	27	86
			257		00	15	72
			Asphalted Road in between Gat No 257 & 279		00	03	13
			280		00	05	18
			279		00	10	34

Taluka :MANGALVEDHA			District : SOLAPUR		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
1	LAKSHMI DAHIVADI (Contd.)		278		00	14	72
			277		00	10	08
			276		00	14	58
			274		00	25	47
			273		00	15	85
			271		00	03	32
			313		00	80	86
			314		00	00	55
			317		00	56	37
			316		00	46	08
			428		00	00	18
			429		00	35	58
		Total					10
2	ANDHALGAON		112		00	01	52
			113		00	54	49
			Metalled Road in between Gat No 113 & 112		00	03	37
			114		00	39	42
			115		00	25	94
			118		00	33	41
			130		00	72	83
			131		00	25	22
			Metalled Road in between Gat No 131 & 134		00	04	19
			134		00	28	98
			136		00	29	71
			147		00	02	86
			Metalled Road in Gat No 136, 147		00	00	27
			Metalled Road in Gat No 150		00	03	08
			150		00	00	74
Total					03	26	03
3	SHELEVADI		50		00	01	05
			49		00	13	22
			48		00	88	64

Taluka :MANGALVEDHA			District : SOLAPUR		State : MAHARASHTRA				
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area				
					Hectare	Are	Sq.mt		
1	2	3	4	5	6	7	8		
3	SHELEVADI (Contd.)		47		00	09	40		
			46		00	08	91		
			45		00	02	74		
			44		00	01	80		
			63		00	00	76		
			42		00	18	62		
			65		00	27	19		
			38		00	01	78		
			66		00	48	09		
			77		00	37	75		
			Metalled Road in between Gat No 77 & 197			00	03	25	
			197		00	15	18		
			196		00	04	42		
			195		00	08	42		
			193		00	10	05		
			191		00	09	98		
			190		00	10	82		
			187		00	09	00		
			186		00	21	89		
			185		00	05	33		
			184		00	05	00		
			167		00	41	56		
			Cart Track in between Gat No 167 & 168			00	04	40	
			168		00	56	92		
			158		00	00	11		
			157		00	43	25		
			Ujani Right Bank Canal in Gat No 157			00	18	40	
		Total					05	27	93
		4	AKOLE		10		00	07	23
					11		00	01	42
	12				00	08	86		
	Khadkira Nala in between Gat No 12 & 13				00	07	02		

Taluka : MANGALVEDHA

District : SOLAPUR

State : MAHARASHTRA

Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
4	AKOLE (Contd.)		13		00	10	02
			14		00	11	32
			15		00	02	70
			16		00	03	82
			17		00	05	24
			19		00	03	37
			23		00	03	27
			24		00	06	07
			25		00	09	99
			26		00	18	53
			27		00	11	77
			28		00	18	02
			43		00	05	72
			Metalled Road in between Gat No 43 & 252		00	04	32
			Canal adjacent to Gat No 252		00	01	58
			142		00	29	05
			185		00	69	78
			176		00	34	63
			169		00	33	91
			168		00	38	72
			167		00	13	75
			166		00	08	26
			164		00	21	21
			163		00	06	03
			162		00	04	39
			161		00	03	14
			160		00	08	76
			159		00	04	64
			158		00	05	26
			157		00	15	84
			154		00	04	89
			153		00	03	89
			152		00	06	57
			150		00	03	64
			149		00	03	18
			148		00	04	11
			147		00	04	02
			146		00	01	10
Total					04	69	04

Taluka :MANGALVEDHA			District : SOLAPUR		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
5	DEGAON		99		00	30	03
			98		00	29	47
			146		00	02	51
			97		00	11	72
			96		00	20	11
			87		00	05	04
			86		00	01	81
			83		00	15	20
			142		00	06	67
			143		00	10	73
			144		00	29	19
			79		00	05	38
			78		00	03	72
		Total					01
6	DHARMGAON		39		00	00	15
Total					00	00	15
7	DHAVLAS		255		00	16	31
			258		00	11	89
			259		00	01	50
			253		00	26	01
			Unlined Canal in Gat No 253		00	04	58
			252		00	12	09
			251		00	12	45
			250		00	05	72
			249		00	06	58
			248		00	09	41
			247		00	15	46
			246		00	07	81
			245		00	08	98
			244		00	05	90
			243		00	12	78
			242		00	02	42
			241		00	00	03
			233		00	09	47
			232		00	08	94
			231		00	01	76
			230		00	02	06
			227		00	01	96
			226		00	03	54

Taluka : MANGALVEDHA			District : SOLAPUR		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
7	DHAVALAS (Contd.)		225		00	04	32
			224		00	06	67
			218		00	04	44
			217		00	36	00
			Total		02	39	08
8	MUDHVI		374		00	00	69
			375		00	06	93
			376		00	14	29
			377		00	09	64
			378		00	10	98
			379		00	00	43
			382		00	16	36
			381		00	33	37
			387		00	18	37
			388		00	03	92
			389		00	16	43
			392		00	13	66
			394		00	11	82
			395		00	35	89
			Metalled Road in } Gat No 401		00	03	83
			401		00	15	38
			429		00	16	57
			430		00	17	01
			463		00	07	80
			464		00	05	02
			465		00	04	92
			466		00	03	55
			467		00	03	63
			470		00	07	08
			471		00	02	59
			480		00	02	98
			483		00	13	30
			485		00	04	88
			486		00	05	40
			488		00	03	99
			511		00	18	36
			510		00	02	10
			512		00	04	46
			513		00	06	30
			514		00	11	94



Taluka : MANGALVEDHA			District : SOLAPUR		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
8	MUDHVI (Contd.)		515		00	19	69
			524		00	17	90
			523		00	08	44
			518		00	10	03
			312		00	07	34
			311		00	03	25
			309		00	00	99
			308		00	00	04
			307		00	00	72
			284		00	15	38
			285		00	05	90
			272		00	10	37
			273		00	12	95
			274		00	08	53
			275		00	05	80
			276		00	03	16
			277		00	13	13
			237		00	04	89
			236		00	07	99
			235		00	08	56
			234		00	07	24
			233		00	04	65
			232		00	00	05
			Asphalted Road in between Gat No 230 & 162		00	01	03
			162		00	23	50
			163		00	07	07
			164		00	11	65
			165		00	27	61
			178		00	18	72
			174		00	25	79
			172		00	09	31
			171		00	10	42
			170		00	06	53
			169		00	11	36
			168		00	06	21
			167		00	12	03
			166		00	09	21
			119		00	13	27

Taluka :MANGALVEDHA			District : SOLAPUR		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
8	MUDHVI (Contd.)		118		00	10	37
			117		00	26	87
			94		00	10	25
			95		00	00	38
		Total				07	72
9	UCHETHAN		152		03	32	02
			Metalled Road in	}	00	01	93
			Gat No 152				
			183		00	21	15
			184		00	00	65
			185		00	36	43
			Bhima River in	}	00	28	68
	between Gat No						
	185 & V.B. Ambe						
	Chincholi						
Total					04	20	86

[No. R-31015/22/2004-O.R.-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 18 अगस्त, 2005

का. आ. 2934.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि महाराष्ट्र राज्य में लोनी (पुणे) से पकनी (सोलापुर) तक हजारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इस से उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री. एस. एन. कुन्देतकर, सक्षम प्राधिकारी, मुम्बई-पुणे पाइपलाइन विस्तार परियोजना (लोनी से पकनी तक हजारवाडी के रास्ते), हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, मेगा सेंटर, मगरपट्टा - एम व एन विंग, हादापसर-411 028 (पुणे जिला), महाराष्ट्र को लिखित रूप में आक्षेप भेज सकेगा।

## अनुसूची

तालूका : मंगळवेढा		जिला : सोलापुर		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	लक्ष्मी दहिवाडी		1108		00	31	52
			1261		00	06	62
			105		00	01	66
			251		00	11	32
			257		00	02	01
			280		00	05	17
			281		00	06	42
			313		00	07	74
			कुल		00	71	91
2	आंधलगाँव		137		00	02	58
			कुल		00	02	58
3	सेलेवाडी		45		00	06	17
			44		00	00	94
			43		00	01	80
			190		00	13	56
			186		00	13	08
			185		00	13	92
			167		00	05	64
			कुल		00	55	11
4	अकोले		4		00	00	85
			15		00	01	14
			19		00	01	11
			21		00	02	93
			22		00	03	37
			20		00	02	92
			238		00	25	14
			237		00	03	63
			240		00	05	11
			235		00	29	07
			236		00	03	14
			234		00	04	33
			233		00	05	96
			160		00	06	98
			कुल		00	95	68
5	संगलवेढा		2782		00	00	48
			2783		00	36	11
			2784		00	10	03
			2801		00	32	94
			2800		00	03	45

तालूका : मंगळवेढा		जिला : सोलापूर		राज्य : महाराष्ट्र					
क्रम सं.	गाव का	नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल			
						हेक्टर	एयर	वर्ग मीटर	
1		2	3	4	5	6	7	8	
5	मंगळवेढा	(निरंतर)		2805		00	27	86	
				2807		00	12	21	
				2808		00	26	67	
				2810		00	09	39	
				2814		00	44	64	
				2835		00	14	30	
				2836		00	09	56	
				2838		00	08	00	
				2839		00	04	93	
				2840		00	09	19	
				2841		00	19	87	
				2842		00	26	53	
				2867		00	17	62	
				2868		00	11	66	
				2869		00	16	81	
				2870		00	06	04	
				2871		00	05	66	
				2872		00	06	68	
				2873		00	07	77	
				2874		00	17	72	
				गट नंबर 2874 और 2866 के बीच का मेटल्ड रास्ता			00	03	41
					2866		00	26	40
					2878		00	87	40
					2879		00	04	65
					2880		00	05	37
					2881		00	03	79
					2882		00	06	48
					2883		00	08	36
					2884		00	13	03
					2885		00	06	36
					2888		00	07	37
					2889		00	04	10
					2890		00	04	57
				2892		00	06	13	
				2893		00	13	48	
				3020		00	16	24	

तालूका : मंगलवेढा		जिला : सोलापुर		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
5	मंगलवेढा (निरंतर)	गट नंबर 3020 और 3021 के बीच का राज्य मार्ग 141			00	04	89
		3021			00	12	68
		3025			00	14	94
		3026			00	17	55
		3027			00	28	24
		3028			00	17	80
		3029			00	05	35
		3030			00	11	14
		3031			00	13	84
		3032			00	30	37
		3035			00	26	11
		3036			00	23	97
		3043			00	04	29
		3042			00	05	33
		3038			00	12	46
		3041			00	26	97
		3476			00	00	60
		3477			00	03	33
		3478			00	13	47
		3479 1			00	10	86
		3479 2			00	10	57
		3479 3			00	08	14
		3479 4			00	08	87
		3578			00	19	68
		3483			00	15	69
		3037			00	04	37
		3484			00	07	04
		3489			00	09	16
		3490			00	08	52
		3491			00	18	52
		3492			00	16	13
		3493			00	10	02
		गट नंबर 3493 और 3495 के बीच का अस्फालटेड रास्ता			00	04	50
		3495			00	17	84
		3530			00	08	07
		3531			00	09	15

तालूका : मंगलवेढा		जिला : सोलापूर		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
5	मंगलवेढा (निरंतर)		3532		00	08	09
			3533	2	00	21	03
			3533	1	00	38	48
			3537		00	26	79
			3538		00	15	91
			3539		00	05	47
			3540		00	05	58
			3541		00	17	93
			3542		00	12	39
			3543		00	23	40
			3544		00	09	97
			3545		00	05	30
			4438	2	00	09	36
			4438	1	00	09	95
			3357	2	00	09	36
			3357	1	00	09	95
			कुल		12	55	16
6	देवगांव		98		00	02	02
			86		00	04	68
			85		00	13	30
			कुल		00	20	00
7	दवलस		259		00	13	36
			260		00	04	73
			251		00	00	98
			250		00	04	54
			249		00	01	86
			246		00	04	36
			244		00	01	03
			242		00	08	14
			241		00	02	87
			240		00	00	30
			227		00	00	59
			225		00	00	71
			कुल		00	48	05
8	मुढवी		374		00	06	93
			392		00	06	00
			464		00	02	79
			471		00	03	22
			588		00	02	80
			589		00	03	58
			481		00	04	07
			478		00	03	54

तालूका : मंगळवेढा			जिला : सोलापुर		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
8	मुढवी (निरंतर)		483		00	06	13
			488		00	01	17
			306		00	10	34
			301		00	09	41
			284		00	01	68
			275		00	02	28
			276		00	02	82
			235		00	03	32
			229		00	10	38
			172		00	01	45
			169		00	01	39
			167		00	07	73
कुल					00	91	03

[ फा. स. आर-31015/22/20/4-ओ.आर.-II ]

हरीश कुमार, अवर सचिव

New Delhi, the 18th August, 2005.

S. O. 2934.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Loni (Pune) to Pakni (Solapur) via Hazarwadi in the State of Maharashtra, an extension pipeline should be laid by Hindustan Petroleum Corporation Limited;

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule, may, within twenty one days from the date on which the copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri S.N. Kundetkar, Competent Authority, Mumbai-Pune Pipeline Extension Project (from Loni to Pakni via Hazarwadi), Hindustan Petroleum Corporation Limited, Mega Center, Magarpatta -- M & N Wing, Hadapsar -- 411 028 (Pune District), Maharashtra.

## SCHEDULE

Taluka :MANGALVEDHA			District : SOLAPUR		State : MAHARASHTRA			
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area			
					Hectare	Are	Sq.mt	
1	2	3	4	5	6	7	8	
1	LAKSHMI DAHIVADI		1108		00	31	52	
			1261		00	06	62	
			105		00	01	66	
			251		00	11	32	
			257		00	02	01	
			280		00	05	17	
			281		00	06	42	
			313		00	07	74	
Total					00	71	91	
2	ANDHALGAON		137		00	02	58	
Total					00	02	58	
3	SHELEVADI		45		00	06	17	
			44		00	00	94	
			43		00	01	80	
			190		00	13	56	
			186		00	13	08	
			185		00	13	92	
			167		00	05	64	
Total					00	55	11	
4	AKOLE		4		00	00	85	
			15		00	01	14	
			19		00	01	11	
			21		00	02	93	
			22		00	03	37	
			20		00	02	92	
			238		00	25	14	
			237		00	03	63	
			240		00	05	11	
			235		00	29	07	
			236		00	03	14	
			234		00	04	33	
			233		00	05	96	
			160		00	06	98	
Total					00	95	68	
5	MANGALVEDHA		2782		00	00	48	
			2783		00	36	11	
			2784		00	10	03	
			2801		00	32	94	
			2800		00	03	45	



Taluka : MANGALVEDHA			District : SOLAPUR		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
5	MANGALVEDHA (Contd.)		2805		00	27	86
			2807		00	12	21
			2808		00	26	67
			2810		00	09	39
			2814		00	44	64
			2835		00	14	30
			2836		00	09	56
			2838		00	08	00
			2839		00	04	93
			2840		00	09	19
			2841		00	19	87
			2842		00	26	53
			2867		00	17	62
			2868		00	11	66
			2869		00	16	81
			2870		00	06	04
			2871		00	05	66
			2872		00	06	68
			2873		00	07	77
			2874		00	17	72
			Metalled Road in between Gat No 2874 & 2866		00	03	41
			2866		00	26	40
			2878		00	87	40
			2879		00	04	65
			2880		00	05	37
			2881		00	03	79
			2882		00	06	48
			2883		00	08	36
			2884		00	13	03
			2885		00	06	36
			2888		00	07	37
			2889		00	04	10
			2890		00	04	57
			2892		00	06	13
			2893		00	13	48
			3020		00	16	24

Taluka : MANGALVEDHA			District : SOLAPUR		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
5	MANGALVEDHA (Contd.)		SH - 141 in between Gat No 3020 & 3021		00	04	89
			3021		00	12	68
			3025		00	14	94
			3026		00	17	55
			3027		00	28	24
			3028		00	17	80
			3029		00	05	35
			3030		00	11	14
			3031		00	13	84
			3032		00	30	37
			3035		00	26	11
			3036		00	23	97
			3043		00	04	29
			3042		00	05	33
			3038		00	12	46
			3041		00	26	97
			3476		00	00	60
			3477		00	03	33
			3478		00	13	47
			3479	1	00	10	86
			3479	2	00	10	57
			3479	3	00	08	14
			3479	4	00	08	87
			3578		00	19	68
			3483		00	15	69
			3037		00	04	37
			3484		00	07	04
			3489		00	09	16
			3490		00	08	52
			3491		00	18	52
			3492		00	16	13
			3493		00	10	02
			Asphalted Road in between Gat No 3493 & 3495		00	04	50
			3495		00	17	84
			3530		00	08	07
			3531		00	09	15

Taluka : MANGALVEDHA			District : SOLAPUR		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
5 MANGALVEDHA (Contd.)			3532		00	08	09
			3533	2	00	21	03
			3533	1	00	38	48
			3537		00	26	79
			3538		00	15	91
			3539		00	05	47
			3540		00	05	58
			3541		00	17	93
			3542		00	12	39
			3543		00	23	40
			3544		00	09	97
			3545		00	05	30
			4438	2	00	09	36
			4438	1	00	09	95
			3357	2	00	09	36
			3357	1	00	09	95
Total					12	55	16
6 DEGAON			98		00	02	02
			86		00	04	68
			85		00	13	30
Total					00	20	00
7 DHAVLAS			259		00	13	36
			260		00	04	73
			251		00	00	98
			250		00	04	54
			249		00	01	86
			246		00	04	36
			244		00	01	03
			242		00	08	14
			241		00	02	87
			240		00	00	30
			227		00	00	59
			225		00	00	71
Total					00	48	05
8 MUDHVI			374		00	06	93
			392		00	06	00
			464		00	02	79
			471		00	03	22
			588		00	02	80
			589		00	03	58
			481		00	04	07
			478		00	03	54

Taluka : MANGALVEDHA			District : SOLAPUR		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
8 MUDHVI (Contd.)			483		00	06	13
			488		00	01	17
			306		00	10	34
			301		00	09	41
			284		00	01	68
			275		00	02	28
			276		00	02	82
			235		00	03	32
			229		00	10	38
			172		00	01	45
			169		00	01	39
			167		00	07	73
Total					00	91	03

[No. R-31015/22/2004-O.R.-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 18 अगस्त, 2005

का. आ. 2935.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) ( जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का आ 2674 तारीख 18 अक्टूबर, 2004, जो भारत के राजपत्र तारीख 23 अक्टूबर, 2004 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मुम्बई-पुणे पाइपलाइन विस्तार परियोजना के माध्यम से महाराष्ट्र राज्य में लोणी (पुणे) से पकनी (सोलापुर) तक हज़ारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 03 दिसम्बर, 2004, को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा ।

## अनुसूची

तालूका : खानापुर		जिला : सांगली		राज्य : महाराष्ट्र			
क्रम सं.	गाँव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	भालवणी		1081		00	25	05
			1166		00	46	56
			1165		00	00	10
			1163		00	09	59
			1164		00	06	86
			1152		00	54	12
			1129		00	13	22
			1130		00	09	05
			1150		00	16	20
			1140		00	16	25
			गट नंबर 1150				
			का रास्ता		00	00	47
			गट नंबर 1140				
			का रास्ता		00	07	12
			1142		00	26	01
			1498		00	13	13
			1499		00	04	81
			1500		00	00	04
			1497		00	28	50
			1382		00	00	60
			1513		00	01	07
			1507		00	01	48
			1509		00	06	72
			1510		00	09	53
			1512		00	00	17
			1511		00	01	93
			1513		00	15	16
			1524		00	46	57
			1547		00	00	03
			1523		00	12	15
			1522		00	00	75
			गट नंबर 1522 और				
			43 के बीच का नाला		00	06	07
			43		00	28	83
			गट नंबर 43 का				
			रास्ता		00	03	50
			98		00	20	00

तालूका : खानापुर			जिला : सांगली		राज्य : महाराष्ट्र			
क्रम सं.	गाँव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल			वर्ग मीटर
					हेक्टर	एयर	वर्ग मीटर	
1	2	3	4	5	6	7	8	
1	भोलवणी (बिरंतर)		99		00	16	50	
			गट नंबर 98 और 99 का रास्ता		00	03	11	
			97		00	01	62	
			95		00	01	14	
			94		00	00	75	
			93		00	30	10	
			92		00	10	40	
			91		00	07	28	
			90		00	07	87	
			89		00	12	14	
			88		00	26	86	
			280		00	18	88	
			283		00	11	64	
			281		00	11	72	
			282		00	15	91	
			296		00	00	15	
			297		00	26	61	
			298		00	19	51	
			293		00	27	26	
			298		00	18	77	
			293		00	04	36	
			311		00	26	27	
			312		00	32	78	
			310		00	06	22	
			313		00	26	66	
				कुल	07	96	15	
2	अलसुंद		240		00	04	87	
			237		00	04	29	
			236		00	04	66	
			234		00	07	30	
			232		00	08	12	
			142	1	00	37	18	
			230		00	28	35	
			229		00	32	31	
			224		00	41	36	
			225		00	16	50	
			221		00	45	83	

तालूका : खानापुर		जिला : सांगली		राज्य : महाराष्ट्र			
क्रम सं.	गाँव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
2	अलसुंद (निरंतर)		गट नंबर 221 का अस्फालटेड रास्ता		00	04	31
			2271		00	18	14
			2270		00	10	68
			2269		00	22	01
			2268		00	00	62
			2267		00	37	89
			2266		00	00	89
			2245		00	31	59
			2243		00	19	00
			2242		00	19	14
			2241		00	16	49
			2216		00	04	41
			2217		00	24	71
			2218		00	18	55
			2219		00	18	26
			2220		00	07	03
			2221		00	05	91
			2222		00	05	22
			2223		00	00	76
			2202		00	11	96
			2201		00	27	46
			2200		00	03	75
			2198		00	22	65
			गट नंबर 2198 और 2193 के बीच का राज्य मार्ग नं.111		00	04	68
			2193		00	06	75
			2195		00	06	86
			2196		00	05	17
			2197		00	11	81
			कुल		05	97	47
3	तांदुलवाडी		119		00	10	50
			118		00	16	43
			112	3	00	13	48
			112	8	00	02	17
			112	7	00	03	79

तालूका : खानापुर		जिला : सांगली		राज्य : महाराष्ट्र			
क्रम सं.	गाँव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
3	(निरंतर)		112	6	00	02	82
	तांदुलवाडी		112	5	00	00	32
			112	9	00	00	20
			126		00	39	24
			129		00	04	80
			140		00	05	13
			142		00	03	35
			143		00	02	60
			144		00	04	34
			145		00	08	81
			146		00	08	71
			151		00	08	09
			152		00	03	35
			154		00	08	87
			155		00	03	50
			158		00	16	53
			159		00	03	38
			160		00	05	56
			179		00	17	03
			196		00	14	04
			197		00	07	69
			198		00	13	17
			213		00	08	78
			212		00	00	05
			214		00	01	30
			215		00	01	48
			216		00	05	07
			217		00	04	35
			220		00	15	22
			गट नंबर 220 का				
			रास्ता		00	01	19
			गट नंबर 220 और				
			260 के बीच का		00	08	09
			बलवाडी कनाल				
			260		00	07	16
			259		00	07	83
			258		00	05	49



तालूका : खानापुर			जिला : सांगली		राज्य : महाराष्ट्र		
क्रम सं.	गाँव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
3	तांदुलवाडी (निरंतर)		256	2	00	06	72
			गट नंबर 256 और आंधली गाँव सिमा के बीच में येरला नदी		00	11	44
कुल					03	12	07

[ फा. सं. आर-31015/28/2004-ओ.आर-II ]

हरीश कुमार, अवर सचिव

New Delhi, the 18th August, 2005

S. O. 2935.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2674 dated the 18<sup>th</sup> October, 2004, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 23rd October, 2004, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products from Loni (Pune) to Pakni (Solapur) (via Hazarwadi) in the State of Maharashtra through Mumbai-Pune Pipeline Extension Project by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 3<sup>rd</sup> December, 2004;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of this declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances.

## SCHEDULE

Taluka : KHANAPUR			District : SANGLI		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Acre	Sq.m
1	2	3	4	5	6	7	8
1	BHALAVANI		1081		00	25	05
			1166		00	46	56
			1165		00	00	10
			1163		00	09	59
			1164		00	06	86
			1152		00	54	12
			1129		00	13	22
			1130		00	09	05
			1150		00	16	20
			1140		00	16	25
			Metalled Road in } Gat No 1150		00	00	47
			Metalled Road in } Gat No 1140		00	07	12
			1142		00	26	01
			1498		00	13	13
			1499		00	04	81
			1500		00	00	04
			1497		00	28	50
			1382		00	00	60
			1513		00	01	07
			1507		00	01	48
			1509		00	06	72
			1510		00	09	53
			1512		00	00	17
			1511		00	01	93
			1513		00	15	16
			1524		00	46	57
			1547		00	00	03
			1523		00	12	15
			1522		00	00	75
			Nala between Gat } No 1522 & 43		00	06	07
			43		00	28	83
			Asphalted Road in } Gat No 43		00	03	50
			98		00	20	00

Taluka : KHANAPUR			District : SANGLI		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.m t
1	2	3	4	5	6	7	8
1	BHALAVANI (Contd.)		99		00	16	50
			Metalled Road in between Gat No 99 & 98		00	03	11
			97		00	01	62
			95		00	01	14
			94		00	00	75
			93		00	30	10
			92		00	10	40
			91		00	07	28
			90		00	07	87
			89		00	12	14
			88		00	26	86
			280		00	18	88
			283		00	11	64
			281		00	11	72
			282		00	15	91
			296		00	00	15
			297		00	26	61
			298		00	19	51
			293		00	27	26
			298		00	18	77
			293		00	04	36
			311		00	26	27
			312		00	32	78
			310		00	06	22
			313		00	26	66
			Total		07	96	15
2	ALSUND		240		00	04	87
			237		00	04	29
			236		00	04	66
			234		00	07	30
			232		00	08	12
			142	1	00	37	18
			230		00	28	35
			229		00	32	31
			224		00	41	36
			225		00	16	50
			221		00	45	83
			Asphalted Road in Gat No 221		00	04	31
			2271		00	18	14

Taluka : KHANAPUR		District : SANGLI		State : MAHARASHTRA			
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.m t
1	2	3	4	5	6	7	8
2	ALSUND (Contd.)		2270		00	10	68
			2269		00	22	01
			2268		00	00	62
			2267		00	37	89
			2266		00	00	89
			2245		00	31	59
			2243		00	19	00
			2242		00	19	14
			2241		00	16	49
			2216		00	04	41
			2217		00	24	71
			2218		00	18	55
			2219		00	18	26
			2220		00	07	03
			2221		00	05	91
			2222		00	05	22
			2223		00	00	76
			2202		00	11	96
			2201		00	27	46
			2200		00	03	75
			2198		00	22	65
			SH - 111 in between Gat No 2198 & 2193		00	04	68
			2193		00	06	75
			2195		00	06	86
			2196		00	05	17
			2197		00	11	81
Total					05	97	47
3	TANDULVADI		119		00	10	50
			118		00	16	43
			112	3	00	13	48
			112	8	00	02	17
			112	7	00	03	79
			112	6	00	02	82
			112	5	00	00	32
			112	9	00	00	20
			126		00	39	24
			129		00	04	80
			140		00	05	13
			142		00	03	35

Taluka : KHANAPUR			District : SANGLI		State : MAHARASHTRA				
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area				
					Hectare	Are	Sq.m		
1	2	3	4	5	6	7	8		
3	TANDULVADI (Contd.)		143			00	02	60	
			144			00	04	34	
			145			00	08	81	
			146			00	08	71	
			151			00	08	09	
			152			00	03	35	
			154			00	08	87	
			155			00	03	50	
			158			00	16	53	
			159			00	03	38	
			160			00	05	56	
			179			00	17	03	
			196			00	14	04	
			197			00	07	69	
			198			00	13	17	
			213			00	08	78	
			212			00	00	05	
			214			00	01	30	
			215			00	01	48	
			216			00	05	07	
			217			00	04	35	
			220			00	15	22	
			Metalled Road in Gat No. 220				00	01	19
			Balavadi Canal between Gat No 220 & 260				00	08	09
				260			00	07	16
				259			00	07	83
				258			00	05	49
				256		2	00	06	72
			Yerla River between Gat No 256 & V.B of Andhali				00	11	44
		Total					03	12	07

[No. R-31015/28/2004-O.R.-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 18 अगस्त, 2005

New Delhi, the 18th August, 2005

**का. आ. 2936.**— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्यप्रदेश राज्य में मांगल्या (इन्दौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादकों के परिवहन के लिए भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पापलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50), की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती हैं;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियों साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री दीपक नन्दी, सक्षम प्राधिकारी, मुम्बई मांगल्या पाइपलाइन विस्तार परियोजना, भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड, 73, प्रताप विला, रोज विला स्कीम, बर्ड सन्चूरी रोड, भरतपुर - 321001 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

**अनुसूची**

तहसील : भरतपुर		जिला : भरतपुर राज्य : राजस्थान	
क्रम सं.	ग्राम का नाम	सर्वे नं.	क्षेत्रफल हैक्टेयर में
1	2	3	4
1	नगला बन्ध	676	0.0626
		677	0.1378
		679	0.0504
		680/2444	0.0187
		680	0.1355
		684	0.0139
		681	0.0360
		682	0.1553
		749	0.0851
		750	0.1904
		751	0.0800
		748	0.1008
		747	0.0880
		695	0.0953
		1276	0.0427
2	नगला विलोथी	1276	0.0427

[फा0सं0आर0-31015/82/2004-ओ आर. II]

हरीश कुमार, अवर सचिव

**S. O. 2936.**— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Manglya (Indore) terminal in the State of Madhya Pradesh, an extension pipeline to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public; object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Deepak Nandi, Competent Authority, Mumbai-Manglya Pipeline Extension Project, Bharat Petroleum Corporation Limited, 73, Pratap Vila, Rose Vila scheme, Bird Sanctuary road Bharatpur - 321001 (Rajasthan).

**SCHEDULE**

Tehsil : Bharatpur District : Bharatpur State : Rajasthan			
S.No.	Name Of Village	Survey No.	Area in Hectare
1	2	3	4
1	NAGLA BANDH	676	0.0626
		677	0.1378
		679	0.0504
		680/2444	0.0187
		680	0.1355
		684	0.0139
		681	0.0360
		682	0.1553
		749	0.0851
		750	0.1904
		751	0.0800
		748	0.1008
		747	0.0880
		695	0.0953
		1276	0.0427
2	NAGLA VILOTHI	1276	0.0427

[F.N. R-31015/82/2004-OR-II]

HARISH KUMAR, Under Secretary

नई दिल्ली, 18 अगस्त, 2005

का.आ. 2937.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्यप्रदेश राज्य में मांगल्या (इन्दौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादकों के परिवहन के लिए भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पापलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50), की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती हैं;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियों साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री दीपक नन्दी, सक्षम प्राधिकारी, मुम्बई मांगल्या पाइपलाइन विस्तार परियोजना, भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड, 73, पताप विला, रोज विला रक्रीम, बर्ड सेन्चुरी रोड, भरतपुर.— 321001 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

## अनुसूची

तहसील : भरतपुर		जिला : भरतपुर	राज्य : राजस्थान
क्रम सं.	ग्राम का नाम	सर्वे नं.	क्षेत्रफल हैक्टेयर में
1	2	3	4
1	बगधारी	432	0.0170
2	करवा भरतपुर चक नं. 2	350	0.0144
		349	0.1368
		348	0.0576
		347	0.0504
		344	0.0864
		338	0.0576
		334	0.0100
		333	0.1080
		332/3399	0.0100
		346	0.0020
3	जधीना 1	1924	0.0105
		979	0.1208
		976	0.0608
		993	0.0036
		2464	0.1080
		2463	0.0015
		2462	0.1296

1	2	3	4
3	जधीना 1 (जारी...)	2457	0.0020
		2460	0.0144
		2461	0.0360
		2473	0.0020
		2475	0.0576
		2476	0.1152
		969	0.0216
		970	0.0040
		980	0.0936
		981	0.0648
		977	0.0072
		986	0.0072
4	विलौठी	248	0.0147
		224	0.0504
		622	0.0076
		854	0.0532
		975	0.0240
		973/1753	0.0624
5	पार	13	0.0332
		53	0.0264
		32	0.0883
		36	0.0174
		756	0.0127
		754	0.0710
		753	0.0062
		784	0.0345
		788	0.0040
		787	0.0072
6	अठेरा	140	0.0546
		134	0.0576
		128	0.0288
		283	0.0522
		261	0.0396
		236	0.0576
		225	0.0406
		227	0.0576
		203	0.0691
		260	0.0072
		234	0.0216
		232	0.0144
		228	0.0360
		129	0.0030
7	बमनपुरा	309	0.0100
		316	0.0088
		369	0.0382
		421	0.0238
		386	0.0230
		619	0.0189

[फा0सं0आर0-31015/82/2004-ओ आर. II]

हरीश कुमार, अवर सचिव

New Delhi, the 18th August, 2005

**S. O. 2937.**— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Manglya (Indore) terminal in the State of Madhya Pradesh, an extension pipeline to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public; object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Deepak Nandi, Competent Authority, Mumbai-Manglya Pipeline Extension Project, Bharat Petroleum Corporation Limited, 73, Pratap Vila, Rose Vila schem, Bird Sanctuary road Bharatpur – 321001 (Rajasthan).

**SCHEDULE**

Tehsil : Bharatpur District : Bharatpur State : Rajasthan

S.No.	Name Of Village	Survey No.	Area in Hectare
1	2	3	4
1	BAGDHARI	432	0.0170
2	KASBA BHARATPUR	350	0.0144
	CHAK NO. 2	349	0.1368
		348	0.0576
		347	0.0504
		344	0.0864
		338	0.0576
		334	0.0100
		333	0.1080
		332/3399	0.0100
		346	0.0020
3	JAGHINA 1	1924	0.0105
		979	0.1208
		976	0.0608
		993	0.0036
		2464	0.1080
		2463	0.0015

1	2	3	4
3	JAGHINA 1 (Contd...)	2462	0.1296
		2457	0.0020
		2460	0.0144
		2461	0.0360
		2473	0.0020
		2475	0.0576
		2476	0.1152
		969	0.0216
		970	0.0040
		980	0.0936
		981	0.0648
		977	0.0072
		986	0.0072
4	VILOTHI	248	0.0147
		224	0.0504
		622	0.0076
		854	0.0532
		975	0.0240
		973/1753	0.0624
5	PAR	13	0.0332
		53	0.0264
		32	0.0883
		36	0.0174
		756	0.0127
		754	0.0710
		753	0.0062
		784	0.0345
		788	0.0040
		787	0.0072
6	ATHERA	140	0.0546
		134	0.0576
		128	0.0288
		263	0.0522
		261	0.0396
		236	0.0576
		225	0.0406
		227	0.0576
		203	0.0691
		260	0.0072
		234	0.0216
		232	0.0144
		228	0.0360
		129	0.0030
7	BAMANPURA	309	0.0100
		316	0.0088
		369	0.0382
		421	0.0238
		386	0.0230
		619	0.0189

[F.N. R-31015/82/2004-OR-II]

HARISH KUMAR, Under Secretary



नई दिल्ली, 18 अगस्त, 2005

**क्रा. आ. 2938.**— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 1192 तारीख 01 अप्रैल, 2005, जो भारत के राजपत्र तारीख 02 अप्रैल, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 7 जून, 2005 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा ।

### अनुसूची

तहसील : भरतपुर		जिला : भरतपुर	राज्य : राजस्थान
क्रम सं.	ग्राम का नाम	सर्वे नं.	क्षेत्रफल हैक्टेयर में
1	2	3	4
1	अचलपुरा	14	0.0973
		15	0.0385
		13	0.0031
		19	0.0134
		20	0.2583
		22	0.0071
		26	0.0874
		27	0.0020
		25	0.0110
		33	0.0587
		28	0.0261
		32	0.1380
		31	0.0010
		57	0.0611
56	0.0013		
59	0.0188		

1	2	3	4
1	अचलपुरा (जारी...)	55	0.0633
		70	0.0265
		60/313	0.0100
		61	0.0273
		64	0.0248
		62	0.0405
		67	0.1054
		105	0.0725
		106	0.0255
		107	0.0698
		112	0.0789
		113	0.0865
		114	0.0010
		115	0.0325
		117	0.0371
		116	0.0160
		118	0.0104
		68	0.0414
		90	0.0040
		92	0.0806
		95	0.1024
		94	0.0070
		93	0.0060
		119	0.0432
		121	0.0557
		139	0.0040
		140	0.0443
		142	0.1596
		144	0.0031
		145	0.0010
		146	0.0666
		147	0.0236
		148	0.0250
2	अड़डी	145	0.1199
		146	0.0280
		97	0.0077
		98/187	0.0010
		98	0.1542
		99	0.0024
		101	0.0465
		102	0.1836
		107	0.0016
		108	0.0201
		109	0.0375
		111	0.0648
		115	0.0460
		117/181	0.0298
		116	0.0235
		44	0.0449
		43	0.0016
		40	0.0020
		41	0.0635
		46	0.0376
		46/186	0.0580
		47	0.0484
3	बगधारी	372	0.0100
		371	0.1266

1	2	3	4	1	2	3	4
3	बगधारी (जारी...)	380	0.1765	5	गोलपुरा	104	0.0068
		381	0.1062			102	0.0040
		382	0.1557			103	0.1400
		383	0.1151			97	0.1107
		397	0.2376			95	0.0910
		413	0.1514			96	0.0010
		414	0.0010			92	0.1113
		415	0.0207			91	0.1473
		418	0.0602			36	0.0080
		433	0.0010			64	0.0198
		431	0.1944			59	0.0595
		432	0.1152			65	0.0020
		444	0.0072			66	0.0008
		430	0.0194			67	0.0905
		456	0.1151			68	0.1632
		474	0.1126			70	0.0576
		473	0.0464			71	0.0628
		471	0.2099			83	0.1240
		470	0.0020			82	0.0747
		487	0.1086			105	0.1449
		489	0.0746			118	0.0126
		490	0.0643			119	0.0230
		491	0.0720			122	0.0020
		500	0.2767			123	0.1938
		499	0.0499			126	0.0087
4	बमनपुरा	310	0.1339			124	0.1500
		309	0.0158			128	0.1107
		312	0.0168	6	तुहिया	1612	0.0103
		313	0.0625			1613	0.1216
		311	0.0176			1622	0.0553
		315	0.0034			1621	0.0167
		316	0.0200			1623	0.0491
		318	0.0020			1625	0.0100
		320	0.0040			1632	0.0341
		319	0.1084			1630	0.0186
		369	0.0266			1631	0.0085
		364	0.0288			2045/2230	0.0230
		365	0.0177			2045	0.0445
		366	0.0387			2017	0.0628
		403	0.0046			2044	0.0010
		402	0.0239			2018	0.0729
		370	0.0137			2015	0.0197
		401	0.0352			2021	0.0321
		410	0.1106			2022	0.0256
		411	0.0970			2014	0.0629
		412	0.0684			2025	0.0196
		420	0.1223			2013	0.0978
		388	0.1840			2026	0.0014
		421	0.0050			2029	0.0536
		387	0.0844			2030	0.0435
		424	0.0028			2031	0.0029
		386	0.0487			2032	0.0555
		614	0.0080			2007(C/T)	0.0189
		615	0.0173			1995	0.0030
		616	0.0901			1996	0.0672
		612	0.0920			1990	0.0317
		620	0.0100			1991	0.0264
		621	0.1697				
		619	0.1395				
		626	0.0020				

1	2	3	4	1	2	3	4
6	तुहिया (जारी...)	1989	0.0013	7	विलौठी (जारी...)	683	0.0427
		1987	0.1408			672	0.0108
		1988	0.0553			684	0.0762
		1985	0.1013			686	0.0020
		1866	0.0832			687	0.0346
		1886	0.0120			688	0.0707
		1842	0.1368			689	0.0060
		1867	0.0399			691	0.0493
		1885	0.0710			717	0.0520
		1889	0.0012			718	0.0462
		1884	0.0310			716	0.0072
		1890	0.0630			715	0.0116
		1881	0.0010			711	0.0461
		1891	0.0546			712	0.0678
		1892	0.1369			709	0.0734
		1840	0.0515			853 (C/T)	0.0077
		1838	0.0627			855	0.0040
		1839	0.0355			852	0.0036
		1829 (C/T)	0.0153			863	0.0288
		1822	0.0364			864	0.0108
		1823	0.0262			865	0.0634
		1820	0.0401			866	0.0276
		1790	0.0512			870	0.0992
		1784	0.0482			871	0.0020
		1785	0.0697			874	0.0901
		1904 (C/T)	0.0144			875	0.0100
		1787	0.0192			903	0.0040
		1786	0.0990			906	0.0122
7	विलौठी	311	0.0453			934	0.0127
		316	0.0300			933	0.0961
		315	0.0976			932	0.0827
		314	0.0094			927	0.0808
		313	0.0429			928	0.0770
		321 (C/T)	0.0102			905	0.0527
		250	0.0473			904	0.0139
		252	0.0020			926	0.0890
		251	0.0979			925	0.0040
		257	0.0100			970	0.0272
		249	0.0091			971	0.0282
		247	0.1008			973	0.0010
		246	0.0146			974	0.0891
		219	0.0023			1009	0.0574
		225	0.0652	8	अड्डा	281	0.0026
		619	0.0360			282	0.1239
		621	0.0388			283	0.0629
		632	0.0350			284	0.1865
		630	0.0040			256	0.0095
		631	0.1115			248	0.0748
		626	0.0278			249	0.0492
		627	0.0802			247	0.1629
		628	0.0202			246	0.1221
		629	0.0020			239	0.1540
		649	0.0246			237	0.0892
		648	0.0541			234	0.0774
		681	0.0865			233	0.0061
		682	0.0113			232	0.1486
		646	0.0311	9	घौरमुई	1249	0.0723

1	2	3	4	1	2	3	4
9	घोरमुई (जारी...)	1253	0.0100	9	घोरमुई (जारी...)	1532	0.0614
		1254	0.0620			1741 (C/T)	0.0324
		1258	0.0239			1542	0.0150
		1255	0.0803			1543	0.0325
		1256	0.0108			1530	0.0075
		1213	0.1080			739	0.0936
		1214	0.0144			740	0.0260
		1215	0.0060			708	0.0224
		1227	0.1512			709	0.0080
		1231	0.1181			716	0.0085
		1230	0.0010			710	0.0792
		1232	0.0735			705	0.0240
		1233	0.0040			711	0.0100
		1228	0.0360			662	0.0080
		1200	0.0029			667	0.0434
		1195	0.0168			688	0.1289
		1199	0.1475			689	0.0094
		1435	0.0200			690	0.0258
		1434	0.0939			686	0.0823
		1431	0.0504			663	0.0693
		1452	0.0576			666	0.0709
		1165	0.0286			610	0.0965
		1167	0.0791			621	0.0332
		1169	0.0020			611	0.0897
		1170	0.1440			612	0.0075
		1168	0.0936			608	0.0119
		1157	0.0293			607	0.0725
		1171	0.0052	10	गुंडवा	198	0.2283
		1172	0.0346			223	0.0010
		1183 (C/T)	0.0207			222	0.0694
		1400	0.0222			200	0.0265
		1437	0.0573			202	0.0785
		1436	0.0720			215	0.1338
		1433	0.0020			216	0.0084
		1440	0.0025			230	0.0969
		1453	0.0720			214	0.0075
		1456	0.0288			232	0.0595
		1454	0.0056			229	0.0010
		1455	0.0720			233	0.0047
		1457	0.0060			236	0.1614
		1458	0.0666			237	0.0010
		1459	0.0432			262	0.0032
		1468	0.0072			235	0.0404
		1467	0.0144			720	0.0048
		1463	0.0049			723	0.0133
		1464	0.0986			724	0.0685
		1577 (C/T)	0.0440			725	0.0779
		1557	0.0524			721	0.0986
		1556	0.0324			812	0.1038
		1558	0.0020			813	0.0600
		1555	0.1159			816	0.0319
		1553	0.0481			817	0.0020
		1552	0.0010			814	0.0010
		1535	0.1048			815	0.1116
		1536	0.0792			820	0.0069
		1531	0.0468			821	0.0949
		1533	0.0048			823	0.0866
		1537	0.0115			824	0.0311

1	2	3	4	1	2	3	4
10	गुंडवा (जारी...)	839	0.0758	11	पार (जारी...)	753	0.0010
		840	0.0050			752	0.0631
		844	0.1216			761	0.0837
		843	0.0036			763	0.0181
		860	0.0261			765	0.0873
		845	0.0153			764	0.0347
		848	0.0772			770	0.1260
		847	0.0064			771	0.1065
		857	0.0100			772	0.0100
		859	0.0225			773	0.1045
		848	0.0418			784	0.0663
		858	0.0994			785 (C/T)	0.0720
		850	0.0317			783/1106	0.0792
		856	0.1327			786	0.0134
		854	0.0032			783	0.1725
		852	0.0042			795	0.0010
		853	0.0939			782	0.1137
		922	0.0412			781	0.1008
		925/983	0.0228	12	अट्टेरा	141	0.0030
		953	0.1123			140	0.0174
11	पार	11	0.0961			139	0.0576
		13	0.0100			134	0.0611
		31	0.0040			135	0.0720
		53	0.0246			138	0.0020
		14	0.1945			128	0.0882
		17	0.0350			184	0.1080
		19	0.0060			185	0.0020
		29	0.0050			186	0.0720
		18	0.2712			188/377	0.0040
		32	0.0791			188	0.1423
		34	0.0102			286	0.0288
		35	0.0859			264	0.1872
		33	0.0144			263	0.0126
		36	0.0042			262	0.0216
		63	0.0502			291	0.0144
		66	0.1810			261	0.0828
		82	0.0814			248	0.0159
		83	0.1547			247	0.0072
		83/1129	0.0648			237	0.1296
		72/1102	0.1105			236	0.0432
		72	0.0040			224	0.0040
		73	0.0049			225	0.0098
		74	0.0741			226	0.0072
		75	0.0806			227	0.0360
		717	0.0141			203	0.0029
		719	0.0628			202	0.0072
		723	0.1198			204	0.0040
		722	0.0010	13	मुरवारा	768	0.0086
		731	0.0718			769	0.1716
		738	0.1356			844	0.1028
		744	0.0040			845	0.0539
		745	0.0897			846	0.0481
		747	0.1159			847	0.0594
		756	0.0089			847/1178	0.1142
		755/1145	0.0100			855	0.0431
		759/1146	0.0070			854	0.0056
		759/1142	0.0020			857	0.0065
		762	0.0072			853	0.0158
		755	0.1047				
		754	0.0010				

1	2	3	4
14	दोंटपुर	169	0.0838
		217	0.0095
		170	0.0067
		216	0.0513
		215	0.0184
		214	0.0923
		213	0.0043
		211	0.0177
		212	0.0648
		205	0.0040
		222	0.0060
		204	0.0499
		203	0.0698
		199	0.0622
		200	0.0435
		196	0.0020
		197	0.0023
		198	0.1023
		195	0.0364
		109	0.0060
		128	0.0506
		127	0.1117
		121	0.0840
		122	0.0584
		116	0.0073
		123	0.0359
		102	0.0861
		103	0.1082
		104	0.0108
		54	0.0020
		53	0.0056
		52	0.1527
		49	0.0692
		50	0.0034
		48	0.0043
		307	0.0801
		366	0.0898
		367	0.0020
		365	0.1248
		364	0.1388
		344	0.0676
		348	0.0367
		345	0.0008
		347	0.0903
		339	0.1041
		328	0.0814
		329	0.0568
		330	0.0020
		322	0.0757
		321	0.0004
		315	0.0620
		396	0.0020
		314	0.0167
		316	0.0598

[फा0सं0आर0-31015/82/2004-ओ आर. II]

हरीश कुमार, अवर सचिव

New Delhi, the 18th August, 2005

**S. O. 2938.**— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.1192, dated the 01<sup>st</sup> April, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) published in the Gazette of India dated the 02<sup>nd</sup> April, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 7<sup>th</sup>, June, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances

**SCHEDULE**

Tehsil : Bharatpur District : Bharatpur State : Rajasthan

S.No.	Name Of Village	Survey No.	Area in Hectare
1	2	3	4
1	ACHALPURA	14	0.0973
		15	0.0385
		13	0.0031
		19	0.0134
		20	0.2583
		22	0.0071
		26	0.0874
		27	0.0020
		25	0.0110
		33	0.0587
		28	0.0261
		32	0.1380
		31	0.0010
		57	0.0611
		56	0.0013
		59	0.0188

1	2	3	4	1	2	3	4	
1	ACHALPURA (Contd...)	55 70 60/313 81 64 62 67 105 106 107 112 113 114 115 117 116 118 68 90 92 95 94 93 119 121 139 140 142 144 145 146 147 148 145 146 97 98/187 98 99 101 102 107 108 109 111 115 117/181 116 44 43 40 41 48 46/186 47	0.0633 0.0265 0.0100 0.0273 0.0248 0.0405 0.1054 0.0725 0.0255 0.0698 0.0789 0.0885 0.0010 0.0325 0.0371 0.0160 0.0104 0.0414 0.0040 0.0806 0.1024 0.0070 0.0060 0.0432 0.0557 0.0040 0.0443 0.1596 0.0031 0.0010 0.0666 0.0236 0.0250 0.1199 0.0280 0.0077 0.0010 0.1542 0.0024 0.0465 0.1836 0.0016 0.0016 0.0016 0.0020 0.0635 0.0376 0.0580 0.0484		3	BAGDHARI (Contd...)	380 381 382 383 397 413 414 415 418 433 431 432 444 430 456 474 473 471 470 487 489 490 491 500 499 310 309 312 313 311 315 316 318 320 319 369 368 365 366 403 402 370 401 410 411 412 420 388 421 387 424 386 614 615 616 612 620 621 619 626	0.1765 0.1062 0.1557 0.1151 0.2376 0.1514 0.0010 0.0207 0.0602 0.0010 0.1944 0.1152 0.0072 0.0194 0.1151 0.1126 0.0484 0.2099 0.0020 0.1086 0.0746 0.0643 0.0720 0.2767 0.0499 0.1339 0.0158 0.0168 0.0625 0.0176 0.0034 0.0200 0.0020 0.0040 0.1084 0.0266 0.0288 0.0177 0.0387 0.0046 0.0239 0.0137 0.0352 0.1106 0.0970 0.0684 0.1223 0.1840 0.0050 0.0844 0.0028 0.0487 0.0080 0.0173 0.0901 0.0920 0.0100 0.1697 0.1395 0.0020
2	ADDI			4	BAMANPURA			
3	BAGDHARI	372 371	0.0100 0.1266					

1	2	3	4	1	2	3	4
5	GOLPURA	104	0.0068	6	TUHIYA (Contd.....)	1989	0.0013
		102	0.0040			1987	0.1408
		103	0.1400			1988	0.0553
		97	0.1107			1985	0.1013
		95	0.0910			1866	0.0832
		96	0.0010			1886	0.0120
		92	0.1113			1842	0.1368
		91	0.1473			1867	0.0399
		36	0.0080			1885	0.0710
		64	0.0198			1889	0.0012
		59	0.0595			1884	0.0310
		65	0.0020			1890	0.0630
		66	0.0008			1881	0.0010
		67	0.0905			1891	0.0546
		68	0.1632			1892	0.1369
		70	0.0576			1840	0.0515
		71	0.0628			1838	0.0627
		83	0.1240			1839	0.0355
		82	0.0747			1829 (C/T)	0.0153
		105	0.1449			1822	0.0364
		118	0.0126			1823	0.0262
		119	0.0230			1820	0.0401
		122	0.0020			1790	0.0512
		123	0.1938			1784	0.0482
		126	0.0087			1785	0.0697
		124	0.1500			1904 (C/T)	0.0144
		128	0.1107			1787	0.0192
6	TUHIYA	1612	0.0103			1786	0.0990
		1613	0.1216	7	VILOTHI	311	0.0453
		1622	0.0553			316	0.0300
		1621	0.0167			315	0.0976
		1623	0.0491			314	0.0094
		1625	0.0100			313	0.0429
		1632	0.0341			321 (C/T)	0.0102
		1630	0.0186			250	0.0473
		1631	0.0085			252	0.0020
		2045/2230	0.0230			251	0.0979
		2045	0.0445			257	0.0100
		2017	0.0628			249	0.0091
		2044	0.0010			247	0.1008
		2018	0.0729			246	0.0146
		2015	0.0197			219	0.0023
		2021	0.0321			225	0.0652
		2022	0.0256			619	0.0360
		2014	0.0629			621	0.0388
		2025	0.0196			632	0.0350
		2013	0.0978			630	0.0040
		2026	0.0014			631	0.1115
		2029	0.0536			626	0.0278
		2030	0.0435			627	0.0802
		2031	0.0029			628	0.0202
		2032	0.0555			629	0.0020
		2007(C/T)	0.0189			649	0.0246
		1995	0.0030			648	0.0541
		1996	0.0672			681	0.0865
		1990	0.0317			682	0.0113
		1991	0.0264			646	0.0311



1	2	3	4	1	2	3	4
7	VILOTHI (Contd...)	683	0.0427	9	DHORMUEI (Contd...)	1253	0.0100
		672	0.0108			1254	0.0620
		684	0.0762			1258	0.0239
		686	0.0020			1255	0.0803
		687	0.0346			1256	0.0108
		688	0.0707			1213	0.1080
		689	0.0060			1214	0.0144
		691	0.0493			1215	0.0060
		717	0.0520			1227	0.1512
		718	0.0462			1231	0.1181
		716	0.0072			1230	0.0010
		715	0.0116			1232	0.0735
		711	0.0461			1233	0.0040
		712	0.0678			1228	0.0360
		709	0.0734			1200	0.0029
		853 (C/T)	0.0077			1195	0.0168
		855	0.0040			1199	0.1475
		852	0.0036			1435	0.0200
		863	0.0288			1434	0.0939
		864	0.0108			1431	0.0504
		865	0.0634			1452	0.0576
		866	0.0276			1165	0.0286
		870	0.0992			1167	0.0791
		871	0.0020			1169	0.0020
		874	0.0901			1170	0.1440
		875	0.0100			1168	0.0936
		903	0.0040			1157	0.0293
		906	0.0122			1171	0.0052
		934	0.0127			1172	0.0346
		933	0.0961			1183 (C/T)	0.0207
		932	0.0827			1400	0.0222
		927	0.0808			1437	0.0573
		928	0.0770			1436	0.0720
		905	0.0527			1433	0.0020
		904	0.0139			1440	0.0025
		926	0.0890			1453	0.0720
		925	0.0040			1456	0.0288
		970	0.0272			1454	0.0056
		971	0.0282			1455	0.0720
		973	0.0010			1457	0.0060
		974	0.0891			1458	0.0666
		1009	0.0574			1459	0.0432
8	ADDA	281	0.0026			1468	0.0072
		282	0.1239			1467	0.0144
		283	0.0629			1463	0.0049
		284	0.1865			1464	0.0986
		256	0.0095			1577 (C/T)	0.0440
		248	0.0748			1557	0.0524
		249	0.0492			1556	0.0324
		247	0.1629			1558	0.0020
		246	0.1221			1555	0.1159
		239	0.1540			1553	0.0481
		237	0.0892			1552	0.0010
		234	0.0774			1535	0.1048
		233	0.0061			1536	0.0792
		232	0.1486			1531	0.0468
9	DHORMUEI	1249	0.0723			1533	0.0048
						1537	0.0115

1	2	3	4	1	2	3	4
9	DHORMUEI (Contd....)	1532	0.0614	10	GUNDVA (Contd....)	839	0.0758
		1741 (C/T)	0.0324			840	0.0050
		1542	0.0150			844	0.1216
		1543	0.0325			843	0.0036
		1530	0.0075			860	0.0261
		739	0.0936			845	0.0153
		740	0.0260			846	0.0772
		708	0.0224			847	0.0084
		709	0.0080			857	0.0100
		716	0.0085			859	0.0225
		710	0.0792			848	0.0418
		705	0.0240			858	0.0994
		711	0.0100			850	0.0317
		662	0.0080			856	0.1327
		667	0.0434			854	0.0032
		688	0.1289			852	0.0042
		689	0.0094			853	0.0939
		690	0.0258			922	0.0412
		686	0.0823			925/983	0.0228
		663	0.0693	11	PAR	953	0.1123
		666	0.0709			11	0.0961
		610	0.0965			13	0.0100
		621	0.0332			31	0.0040
		611	0.0897			53	0.0240
		612	0.0075			14	0.1945
		608	0.0119			17	0.0350
		607	0.0725			19	0.0060
10	GUNDVA	198	0.2283			29	0.0050
		223	0.0010			18	0.2712
		222	0.0694			32	0.0701
		200	0.0265			34	0.0102
		202	0.0785			35	0.0859
		215	0.1338			33	0.0144
		216	0.0084			36	0.0042
		230	0.0969			63	0.0502
		214	0.0075			66	0.1810
		232	0.0595			82	0.0814
		229	0.0010			83	0.1547
		233	0.0047			83/1129	0.0648
		236	0.1614			72/1102	0.1105
		237	0.0010			72	0.0040
		262	0.0032			73	0.0049
		235	0.0404			74	0.0741
		720	0.0048			75	0.0806
		723	0.0133			717	0.0141
		724	0.0685			719	0.0628
		725	0.0779			723	0.1198
		721	0.0986			722	0.0010
		812	0.1038			731	0.0718
		813	0.0600			738	0.1356
		816	0.0319			744	0.0040
		817	0.0020			745	0.0897
		814	0.0010			747	0.1159
		815	0.1116			756	0.0089
		820	0.0069			755/1145	0.0100
		821	0.0949			759/1146	0.0070
		823	0.0866			759/1142	0.0020
		824	0.0311			762	0.0072
						755	0.1047
						754	0.0010

1	2	3	4	1	2	3	4
11	PAR (Contd....)	753	0.0010	14	TONTPUR	169	0.0838
		752	0.0631			217	0.0095
		761	0.0837			170	0.0067
		763	0.0181			216	0.0513
		765	0.0873			215	0.0184
		764	0.0347			214	0.0923
		770	0.1260			213	0.0043
		771	0.1065			211	0.0177
		772	0.0100			212	0.0648
		773	0.1045			205	0.0040
		784	0.0663			222	0.0060
		785 (C/T)	0.0720			204	0.0499
		783/1106	0.0792			203	0.0698
		786	0.0134			199	0.0622
		783	0.1725			200	0.0435
		795	0.0010			196	0.0020
		782	0.1137			197	0.0023
		781	0.1008			198	0.1023
12	ATHERA	141	0.0030			195	0.0364
		140	0.0174			109	0.0060
		139	0.0576			128	0.0506
		134	0.0611			127	0.1117
		135	0.0720			121	0.0840
		138	0.0020			122	0.0584
		128	0.0882			116	0.0073
		184	0.1080			123	0.0359
		185	0.0020			102	0.0861
		186	0.0720			103	0.1082
		188/377	0.0040			104	0.0108
		188	0.1423			54	0.0020
		286	0.0288			53	0.0056
		264	0.1872			52	0.1527
		263	0.0126			49	0.0692
		262	0.0216			50	0.0034
		291	0.0144			48	0.0043
		261	0.0828			307	0.0801
		248	0.0159			366	0.0898
		247	0.0072			367	0.0020
		237	0.1296			365	0.1248
		236	0.0432			364	0.1388
		224	0.0040			344	0.0676
		225	0.0098			348	0.0367
		226	0.0072			345	0.0008
		227	0.0360			347	0.0903
		203	0.0029			339	0.1041
		202	0.0072			328	0.0814
		204	0.0040			329	0.0568
13	MURVARA	768	0.0086			330	0.0020
		769	0.1716			322	0.0757
		844	0.1028			321	0.0004
		845	0.0539			315	0.0620
		846	0.0481			396	0.0020
		847	0.0594			314	0.0167
		847/1178	0.1142			316	0.0598
		855	0.0431				
		854	0.0056				
		857	0.0065				
		853	0.0158				

[F.N. R-31015/82/2004-OR-II]  
HARISH KUMAR, Under Secretary

नई दिल्ली, 18 अगस्त, 2005

**का. आ. 2939.**— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कॉरपोरेशन द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50), की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री दीपक नंदी, सक्षम प्राधिकारी, मुम्बई-मांगल्या पाइपलाइन विस्तार परियोजना, भारत पेट्रोलियम कॉरपोरेशन लिमिटेड, 1-सी, बाल मंदिर कॉलोनी, होटल पिक पैलेस के पास, सवाई माधोपुर -322001 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

## अनुसूची

तहसील : गंगापुर जिला : सवाई माधोपुर राज्य : राजस्थान

क्र० ग्राम का नाम सर्वे नंबर क्षेत्रफल हैक्टेयर में

1	2	3	4
1. टोक्सी	1046/1842	0.0020	
2. बिनेगां	907	0.0360	
3. छान	331	0.1400	
4. उदई खुर्द	3730/6279	0.0332	
	3719/6323	0.0144	
5. सेवा	8/4269	0.0504	
6. चूली	566	0.0720	
	567	0.1152	
	568	0.2304	
	740	0.0144	
	739	0.2160	
	739/2194	0.0144	
	736	0.0720	
	735	0.0040	
	753	0.0072	

6. चूली (जारी...)

734

0.0040

733

0.0648

754

0.0432

770

0.2592

771

0.0936

773

0.0144

774

0.0648

777

0.0144

775

0.1296

776

0.0720

790

0.0040

788

0.0288

789

0.0072

822

0.0504

825

0.1008

826

0.0288

827

0.0648

841

0.0648

828

0.0144

840

0.1008

834

0.0432

836

0.2736

1025

0.0144

1024

0.0504

1010

0.1080

1009

0.2088

989

0.0072

992

0.1584

993

0.0936

994

0.1080

960

0.0504

959

0.1584

937

0.2088

7. खरेड़ा

790

0.0762

360

0.0076

351

0.0288

349

0.0010

8. किशोरपुर

799/2569

0.1396

9. भालपुर

1287/1418

0.0035

10. बाढ़ टटवाड़ा

112/465

0.0072

128

0.2016

139

0.0072

136

0.0144

118/474

0.0216

115

0.0100

11. खंडीप

1667/4472

0.0792

(फा.सं. आर.-31015/93/2004-ओ आर- II)

हरीश कुमार, अवर सचिव

New Delhi, the 18th August, 2005

S. O. 2939.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Manglya (Indore) terminal in the State of Madhya Pradesh, an extension pipeline to Piyala in the State of Haryana and Bijawasan in the NCT of Delhi should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule, may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Deepak Nandi, Competent Authority, Mumbai-Manglya Pipeline Extension Project, Bharat Petroleum Corporation Limited, 1-C, Bal Mandir Colony, Near Hotel Pink Palace, Sawai Madhopur-322001 (Rajasthan).

**SCHEDULE**

Tehsil: Gangapur District : Sawai Madhopur State : Rajasthan

S.No.	Name of Village	Survey No.	Area in Hectare
1	2	3	4
1.	Toksi	1046/1842	0.0020
2.	Binega	907	0.0360
3.	Chhan	331	0.1400
4.	Uday Khurd	3730/6279	0.0332
		3719/6323	0.0144
5.	Seva	8/4269	0.0504
6.	Chuli	566	0.0720
		567	0.1152
		568	0.2304
		740	0.0144
		739	0.2160
		739/2194	0.0144
		736	0.0720
		735	0.0040
		753	0.0072

1	2	3	4
6.	Chuli (Contd.)	734	0.0040
		733	0.0648
		754	0.0432
		770	0.2592
		771	0.0936
		773	0.0144
		774	0.0648
		777	0.0144
		775	0.1296
		776	0.0720
		790	0.0040
		788	0.0288
		789	0.0072
		822	0.0504
		825	0.1008
		826	0.0288
		827	0.0648
		841	0.0648
		828	0.0144
		840	0.1008
		834	0.0432
		836	0.2736
		1025	0.0144
		1024	0.0504
		1010	0.1080
		1009	0.2088
		989	0.0072
		992	0.1584
		993	0.0936
		994	0.1080
		960	0.0504
		959	0.1584
		937	0.2088
7.	Khareda	790	0.0762
		360	0.0076
		351	0.0288
		349	0.0010
8.	Kishorpur	799/2569	0.1396
9.	Bhalpur	1287/1418	0.0035
10.	Badh Tatwada	112/465	0.0072
		128	0.2016
		139	0.0072
		136	0.0144
		118/474	0.0216
		115	0.0100
11.	Khandip	1667/4472	0.0792

दिल्ली, 18 अगस्त, 2005

का. अं. 2940.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 932 तारीख 4 मार्च, 2005, जो भारत के राजपत्र तारीख 12 मार्च, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 25 मई, 2005 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समझा कि उक्त पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का निश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विनियमों से मुक्त, भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

## अनुसूची

तहसील : गंगापुर जिला : सवाई माधोपुर राज्य : राजस्थान

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	टटवाड़ा	756	0.0288
		883	0.1296
		882	0.0288
		757	0.6624
		814	0.2952
		813	0.0720
		812	0.0288
		810	0.0360
		809	0.0360
		808	0.0020
		811	0.0720
		803	0.0720
		797	0.0010
		798	0.0216
		799	0.0720
		800	0.0504
		801	0.0072
		782	0.0216
		781	0.0576
		780	0.0576
		779	0.0792
		778	0.1872
		775	0.1224
		773	0.0144
		772	0.1008
		771	0.0072

1	2	3	4
2.	बाढ़ टटवाड़ा	116	0.2520
		114	0.0360
		122	0.0648
		121	0.0020
		120	0.1728
		118	0.0432
		120/468	0.0432
		124	0.0504
		125	0.0936
		127	0.0432
		133/476	0.1080
		138	0.1512
		144	0.0432
		137	0.0432
		145	0.0216
		146	0.1440
		217	0.0010
		218	0.2520
		216	0.0648
		224	0.0360
		245	0.1152
		248	0.1224
		249	0.1440
		278	0.0020
		277	0.1152
		276	0.0720
		275	0.0504
		274	0.0576
		273	0.1440
		322	0.0504
		320	0.0216
		323	0.1008
		318	0.0864
		335	0.0936
		336	0.0144
		338	0.0010
3.	नारायणपुर	504	0.0864
		505	0.0936
		506	0.0936
		507	0.1224
		509	0.1152
		517	0.0288
		516	0.0144
		510	0.0072
		514	0.0720
		512	0.0720
		513	0.0020
		511	0.0360
		528	0.0216
		545	0.1224
		546	0.0010
		548	0.1368
		554	0.0864
		553	0.1080
		540	0.0144
		604	0.0864

1	2	3	4	1	2	3	4
3.	नारायणपुर (जारी...)	603	0.0720	5.	हीरापुर (जारी...)	6	0.0504
		602	0.0216			5	0.0576
		601	0.0936			3	0.3528
		600	0.0720	6.	जयसिंहपुरा	262	0.0720
		606	0.0020			2	0.0288
		596	0.2376			281	0.0576
		656	0.0072	7.	दूटोलाई	612	0.1944
		595	0.0864			610	0.2448
		662	0.1296			609	0.2268
		838	0.0360			608	0.1296
		839	0.0648			606	0.0936
		840	0.0504			605	0.1080
		841	0.0504			598	0.1152
		842	0.0648			596	0.1152
		845	0.0936			594	0.0936
		847	0.1872			589	0.0144
		822	0.0504			577	0.0936
		850	0.0504			574	0.0936
		809	0.0504			580	0.0144
		807	0.0864			576	0.2664
		806	0.0576			575	0.1080
		805	0.0288			567	0.0936
		796/3	0.2016			566	0.0144
		796/2	0.0288			559	0.0030
		795	0.1440			558	0.0432
		783	0.0288			535	0.0144
		782	0.0504			557	0.0432
		779	0.0216			556	0.0432
		793/1	0.0072			553	0.0432
		778	0.0144			552	0.0504
		772	0.2880			536	0.0504
		774	0.0072			537	0.0360
		773	0.1080			538	0.0020
		765	0.2160			534	0.5760
		766	0.2736	8.	ढाय	305	0.4032
		767	0.0020			174	0.2520
4.	बाढ़ मिलकपुर	361	0.0030			216	0.0288
		349	0.0030			215	0.2592
		382	0.0936			214	0.0504
		383	0.0020			213	0.0020
		381	0.0936			212	0.0072
		380	0.0144			177	0.0864
		374	0.1152			211	0.0216
		375	0.0432			210	0.0072
		373	0.0360			178	0.0504
		377	0.0576			180	0.0020
		372	0.0864			179	0.0576
		371	0.0720			181	0.1224
		358	0.0072			182	0.0504
		359	0.1440			209	0.0050
		355	0.1800			183	0.0144
		350	0.1224			192	0.0144
		347	0.1008			184	0.2304
		346	0.4608			187	0.0144
5.	हीरापुर	13	0.1152			186	0.0576

1	2	3	4	1	2	3	4
8.	ढाय (जारी...)	185	0.0360	10.	ऊमरी (जारी...)	897	0.0072
9.	बूचोलाई	893	0.3240			898	0.3960
		895	0.1080			871	0.0432
		895/1	0.1728			872	0.2160
		893/1	0.0036			930	0.2016
		890	0.1872			868	0.2016
		889	0.0504			865	0.0504
		887	0.1440			864	0.1872
		888/1	0.1728			863	0.0504
		728	0.2160			858	0.0792
		735	0.0360			857	0.0504
		736	0.2088			856	0.0432
		737	0.1656			837	0.2808
		740	0.2088			838	0.0144
		739	0.0020			840	0.0360
		743	0.1224			839	0.0144
		747	0.0504			758	0.0144
		745	0.0070			766	0.1296
		746	0.1368			766/1121	0.0864
		748	0.0040	11.	लालपुर	303	0.2808
		751	0.0020			299	0.0216
		752	0.0864			314	0.0072
		753	0.1554			278	0.4104
		772	0.0144			279	0.2088
		770	0.0576			268	0.2736
		769	0.0792			266	0.0576
		767	0.0720	12.	सलेमपुर	759	0.2304
		766	0.0030			760	0.1224
		763	0.0792			754	0.1512
		764	0.0792			719	0.0144
		655	0.0072			762	0.0036
		683	0.1152			761	0.0036
		670	0.0864			547	0.1008
		682	0.0288			546	0.1116
		678	0.1080			544	0.1008
		675	0.1152			543	0.1728
		674	0.0144			549	0.0216
		548	0.1800			563	0.0648
		550	0.1296			562	0.0036
		551	0.1152			560	0.2160
		552	0.0864			565	0.0144
		578	0.2520			566	0.0050
		576	0.1192			557	0.0072
		575	0.1656			567	0.1080
		582	0.0072			568	0.0864
		583	0.1728			625	0.0144
10.	ऊमरी	958	0.1008			645	0.1188
		959	0.1656			644	0.1008
		960	0.1728			643	0.0720
		961	0.0216			642	0.1224
		957	0.0576			626	0.1296
		888	0.1728			617	0.0072
		889	0.0072			616	0.1224
		893	0.1584			612	0.2808
		894	0.0792			611	0.0144



1	2	3	4	1	2	3	4
12. सलेमपुर (जारी...)	609/875	0.0864		14. मऊ कलां (जारी...)	779	0.0216	
	190	0.0288			739	0.0144	
13. चूली	2073	0.0360			760	0.1008	
	2074	0.3454			740	0.1440	
	2068	0.1296			741	0.0144	
	2062	0.0360			704	0.1008	
	2061	0.0720			703	0.0144	
	2060	0.1728			700	0.1224	
	2057	0.0020			699	0.0180	
	387	0.1008			667	0.1080	
	392	0.1080			705	0.0144	
	2002	0.0216			665	0.0720	
	2001	0.0216			666	0.0576	
	2000	0.1152			826	0.0864	
	1999	0.0025			829	0.0288	
	1998	0.1296		15. मऊ खुर्द	311	0.0144	
	1997	0.0720			312	0.0072	
	1996	0.0720			310	0.1296	
	1994	0.0072			314	0.0504	
	1995	0.0864			315	0.0288	
	403	0.0020			316	0.0072	
	404/2149	0.2088			318	0.0072	
	428	0.1296			320	0.0360	
	429	0.1440			317	0.0180	
	427	0.0504			294	0.0036	
	454	0.1332			295/1	0.0756	
	451	0.0576			296	0.0107	
	455	0.1584			291	0.0040	
	449	0.0936			292	0.0684	
	565/3190	0.1368			289	0.0468	
	565	0.1656			288	0.0432	
	445	0.0576			286	0.0216	
	926	0.0936			287	0.0144	
	947	0.1872		16. चक छावा	123	0.0010	
	949	0.0042			122	0.0252	
	1186	0.0432			121	0.0648	
	1189	0.0216			120	0.0010	
	1140	0.0303			119	0.0648	
	1197	0.1080			116	0.0432	
	1198	0.0020			115/200	0.0144	
	1201	0.3096			115	0.0144	
	1208	0.0684			114	0.1872	
	1210	0.0360			107	0.0036	
	1209	0.0020			104	0.0144	
	1211	0.0216			105	0.0020	
	1212	0.0252			106	0.0720	
14. मऊ कलां	845	0.1296			129	0.0036	
	837	0.1224			89	0.0432	
	838	0.0072			134	0.0108	
	825	0.1728			84	0.0540	
	821	0.0288			83	0.1584	
	778	0.0144			81	0.0020	
	763	0.0288		17. खानपुर बड़ोदा	694	0.0360	
	761	0.0360			695	0.0144	
	762	0.1368			693	0.0864	

1	2	3	4	1	2	3	4
17.	खानपुर बड़ोदा (जारी...)	689	0.0720	18.	बड़ोदा जाट (जारी...)	727	0.2304
		690	0.1440			726	0.0180
		691	0.1080			725	0.0036
		856	0.0144			313	0.0000
		917	0.0144			314	0.0000
		918	0.2520			376	0.0504
		919	0.0288			374	0.0072
		914	0.0072			375	0.0432
		915	0.1224			378	0.0720
		877	0.0720			377	0.0036
		909	0.0072			722	0.0144
		910	0.1584			386	0.1008
		907	0.1872			383	0.0144
		905	0.0720			384	0.1440
		930	0.1152			385	0.0072
		932	0.0720			389	0.0144
		949	0.1296			399	0.0648
		950	0.0072			409	0.0010
		946	0.1440			410	0.1224
		960	0.0288			411	0.0144
		640/1181	0.0288			489	0.0144
		640	0.0576			490	0.1080
		536	0.0720			491	0.0072
		538	0.1296			488	0.0144
		537	0.0864			487	0.0432
		539	0.0216			486	0.0036
		608	0.0010			485	0.0020
		609	0.1800			501	0.1296
		611	0.0288			502	0.0216
		610	0.0030			503	0.0020
		600	0.2592			504	0.1080
		557	0.0072			505	0.0864
		558	0.0792			507	0.0072
		559	0.0360			508	0.0072
		567	0.1080			515	0.0144
		566	0.0792			516	0.0072
		564	0.0432			474	0.0288
		563	0.0144			475	0.0720
		570	0.0144			468	0.0720
		572	0.0648			467	0.0036
		562	0.1728			469	0.1800
		574	0.0020			457	0.0144
		573	0.0144			102	0.0936
		291	0.1080			103	0.0072
		290	0.0792			101	0.0020
18.	बड़ोदा जाट	732	0.0720			100	0.1224
		763	0.0072			99	0.0432
		733	0.0936	19.	टोक्सी	1140	0.0144
		735	0.0108			1141	0.1368
		738	0.1476			1141/1859	0.0010
		737	0.0036			1138	0.1224
		739	0.0576			1151	0.1476
		740	0.0936			1160	0.0033
		728	0.0036			1156	0.0432
		741	0.0036			1155	0.0144

1	2	3	4	1	2	3	4
19. टोक्सी (जारी...)		1157	0.0468	19. टोक्सी (जारी...)		747	0.2719
		1158	0.0360			745	0.1116
		1159	0.0720			746	0.0024
		1129	0.0072			739	0.0432
		1088	0.0720			743	0.0252
		1089	0.0684			740	0.1080
		1094	0.0576			741	0.0648
		1095	0.0020			662	0.0383
		1093	0.1368			666	0.0180
		1081	0.0720			663	0.0432
		1078	0.0010			665	0.1980
		1079	0.0432			667	0.0864
		616	0.0540	20. डोब		79	0.0928
		624	0.0360			78	0.0792
		625	0.0020			77	0.0216
		627	0.1440			76	0.0360
		629	0.1404			75	0.0792
		630	0.0396			74	0.0465
		1051	0.0072			64	0.0471
		1052	0.0720			62	0.1260
		1053	0.0010			61	0.0504
		1043	0.0360			52	0.0504
		1048/1843	0.0864			51	0.0720
		1042	0.0216			50	0.0936
		1041	0.0648			49	0.0504
		1040	0.0576			48	0.0216
		1036	0.0504			46	0.1152
		1035	0.0180			45	0.0858
		1014	0.0030			43	0.0504
		1015	0.0180			44	0.0936
		1016	0.0360			42	0.1224
		1017	0.0523			32	0.1800
		1018	0.0610			31	0.0170
		1031	0.0432	21. बिनेगां		707	0.0116
		1019	0.0216			705	0.0150
		1020	0.0360			704	0.0773
		871	0.0288			697	0.0147
		872	0.0020			675	0.0422
		869	0.0144			676	0.0297
		870	0.0936			677	0.0291
		865	0.0063			678	0.0171
		862	0.0020			672	0.0593
		864	0.0144			681	0.0394
		863	0.1152			662	0.0376
		828	0.0010			663	0.0259
		829	0.0108			664	0.0299
		830	0.2016			665	0.0983
		817	0.0900			661/954	0.0504
		816	0.0720			661	0.0059
		812	0.0577			656	0.0458
		811	0.1469			655	0.0908
		810	0.0308			646	0.0066
		726	0.0144			647	0.0692
		732	0.0504			648	0.0864
		734	0.0648			649	0.0455

1	2	3	4	1	2	3	4
21. बिनेगां (जारी...)		642	0.0667	22. छान (जारी...)		223	0.0360
		640	0.0282			221	0.0068
		632	0.0679			254	0.0864
		634	0.0309			255	0.0109
22. छान		345	0.0128			259	0.0459
		344	0.1137			267	0.0020
		343	0.0786			260	0.0786
		342	0.1487			262	0.1192
		340/1062	0.0110	23. उदई खुर्द		6080	0.0030
		340	0.0010			6083	0.2181
		336	0.0216			6086	0.1199
		339	0.1512			6085	0.1582
		337	0.0099			6088	0.0767
		40	0.0014			6089	0.0884
		41	0.0108			6141	0.0998
		43	0.1044			6090	0.0223
		44	0.0108			6143	0.1109
		332	0.0828			3721	0.0837
		333	0.0072			3720	0.0585
		60	0.0288			3719	0.0468
		328	0.0020			3718	0.0928
		327	0.0648			3714	0.0674
		62	0.0026			3713	0.1275
		63	0.0288			3732	0.1276
		74	0.0288			3733	0.0896
		73	0.0648			3735	0.0333
		72	0.0010			3736	0.1189
		76	0.0504			3736/6425	0.0027
		79	0.0720			3740/6424	0.0540
		78	0.0288			3743	0.0471
		84	0.0072			3744	0.0020
		83	0.0028			3742	0.0900
		82	0.0014			3741	0.0576
		81	0.0022			3709	0.0129
		88	0.0036			3704	0.0504
		85	0.0360			3705	0.0036
		87	0.0432			3703	0.0720
		89	0.0216			3702	0.0504
		86	0.0121			3701	0.0144
		161	0.0180	24. सेवा		57	0.2160
		162	0.0792			53	0.2304
		163	0.0014			52	0.0835
		166	0.1321			51	0.0891
		168	0.0792			50	0.0911
		170	0.0072			48	0.1254
		169	0.0180			49	0.0030
		196	0.0648			46	0.1403
		193	0.0216			10	0.0812
		195	0.0288			9	0.0432
		194	0.0648			8	0.0216
		214	0.0504			13	0.0144
		213	0.0025			6/4268	0.0288
		216	0.0025			6	0.0030
		215	0.0288			5	0.2016
		222	0.0396				

1	2	3	4	1	2	3	4
24. सेवा (जारी...)		4	0.0792	26. वजीरपुर (जारी...)		109	0.0720
		3	0.0864			108	0.0030
25. शेखपुर बुजुर्ग		29	0.0216			43	0.0010
		48	0.2456			44	0.1008
		50	0.0895			107	0.0504
		51	0.0012			45	0.0010
		52	0.2880			106	0.0576
		56	1.1027			105	0.0288
		81	0.1440			104	0.0020
		82	0.0033			54	0.1008
		85	0.2304			55	0.0504
		95	0.0202			56	0.1080
		118	0.0661			59	0.0020
		111	0.1962			58	0.1008
		112	0.2160			92	0.0010
		113	0.0941			76	0.0792
		114	0.0126			77	0.0504
		106	0.3000			75	0.0792
		116	0.0237			79	0.0072
		105	0.0010			20	0.1800
		280	0.1099			35	0.0432
		104	0.1135			1338	0.1656
		281	0.0408			1340	0.0144
		282/695	0.0621			1339	0.2376
		276	0.1345			1343	0.0193
		303/713	0.0066			1345	0.0216
		302	0.0319			1346	0.2088
		302/712	0.0793			1357	0.0036
		287/708	0.0185			1347	0.0072
		300/710	0.0991			1353	0.1296
		297/709	0.1286			1352	0.1296
		297	0.0051			1351	0.0020
		296/705	0.0076			1394	0.0144
		296	0.1508			1462	0.0864
		294	0.2663			1461	0.1440
		337	0.1338			1459	0.0720
		338	0.1246			1458	0.0720
		339	0.0732			1452	0.1080
		339/751	0.1201			1432	0.0756
26. वजीरपुर		643	0.0101			1431	0.0432
		642	0.0108			1437	0.0648
		640	0.1890			1428	0.0576
		616	0.1480			1429	0.0210
		617	0.0030			1430	0.0144
		618	0.0216			1417	0.0288
		619	0.0504			1418	0.0078
		615	0.1008	27. खरेडा		791/1	0.0295
		612	0.2520			791/2	0.0020
		611	0.0072			792	0.0720
		558	0.0504			793/2	0.1728
		557	0.0010			794	0.0205
		174	0.0720			796	0.0936
		172	0.0648			797	0.0072
		173	0.2736			798	0.0026
		111	0.0432			362	0.0288

1	2	3	4	1	2	3	4
27.	खरेड़ा (जारी...)	359	0.1584	28.	किशोरपुर (जारी...)	1420	0.0288
		358	0.0528			1419	0.0288
		357	0.1368			1421	0.1296
		356	0.0504			1422	0.0020
		354	0.0192			1423	0.0010
		355	0.1421			1424	0.0288
		350	0.2808			1425	0.0432
		352	0.0213			1426	0.0360
28.	किशोरपुर	2220	0.0072			1427	0.0108
		2217	0.0072			1428	0.0462
		2221	0.0020			1430	0.0010
		2222	0.1224			1429	0.0681
		2223	0.0072			1434	0.0030
		2225	0.1008			1435	0.0616
		2226	0.0216			1436	0.0094
		2227	0.0432			1437	0.0792
		2232	0.0036			1445	0.0010
		2229	0.0010			1438	0.0360
		2230	0.0360			1439	0.0072
		2231	0.0648			1442	0.0360
		2244	0.0468			1440	0.0020
		2245	0.0720			1443	0.0135
		2246	0.0360			1505	0.0504
		2248	0.0360			1506	0.0432
		2314	0.0110			1507	0.0108
		2249/2541	0.0864			1664	0.0020
		2286	0.0020			1663	0.0720
		2287	0.0648			1687	0.0020
		2288	0.0108			1689	0.0432
		2289	0.0216			1661	0.0072
		2290	0.0360			1660	0.0288
		2292	0.0096			1662	0.0432
		2293	0.0432			1654	0.0020
		2297	0.0010			1653	0.0864
		2296	0.0576			1650	0.0044
		2307	0.0108			1652	0.0020
		2305	0.0216			1651	0.0468
		2306	0.0720			1647	0.0341
		1766	0.0144			1646	0.0157
		1752	0.0720			1514	0.0144
		2343	0.0144			1534/2563	0.0360
		1753	0.0020			1515/2561	0.0360
		1751	0.0020			1518	0.1516
		1754	0.1800			1534	0.5280
		1755	0.0180			1520	0.0432
		1757	0.0216			809	0.0815
		1758	0.0010			763	0.0144
		1756	0.0504			764	0.0553
		1746	0.0648			765	0.0396
		1747	0.0108			766	0.0287
		1743	0.0020			767	0.0020
		1745	0.0108			769/2560/2	0.1249
		1414	0.0010			794	0.0010
		1415	0.0030			796	0.1265
		1416	0.0618			797	0.0719

1	2	3	4	1	2	3	4
28.	किशोरपुर (जारी...)	798	0.0479	29.	खंडीप (जारी...)	1287	0.1512
		779	0.0814			1292	0.0504
		781	0.0010			1291	0.1008
		778	0.0475			1293	0.0216
		777	0.0936			1293/4370	0.0648
		1540	0.0183			1294	0.0216
		1543	0.0891			1295	0.1296
		1544	0.0647			1296	0.0020
		1545	0.0054			1309	0.0216
29.	खंडीप	680/4488	0.1512			1308	0.0020
		681	0.0144			1310	0.1008
		679	0.3024			1311	0.1728
		678	0.0100			1312	0.0216
		676	0.0180			1484	0.0108
		675	0.0216			1473	0.0576
		677	0.0722			1474	0.0360
		702	0.0144			1479	0.0576
		639	0.0144			1475	0.0216
		647	0.1728			1478	0.0036
		646	0.0144			1489	0.0072
		641	0.1296			1469	0.1224
		651	0.3024			1470	0.0288
		611	0.4392			1468	0.0864
		611/4478	0.0360			1466	0.0288
		590	0.0504			1467	0.0020
		573/4439	0.1800			1464	0.0020
		574	0.0288			1465	0.0576
		387	0.0030			1671/4428	0.0432
		384	0.1800			1670	0.0432
		385	0.0216			1673	0.1656
		383	0.0720			1667	0.0072
		396	0.0180			1665	0.0100
		397	0.1152			1666	0.0010
		379	0.0288			1662	0.0246
		378	0.0576			1664	0.0010
		369	0.0036			1663	0.0864
		377	0.1008			1661	0.0020
		374	0.0792			1660	0.0720
		373	0.0576			1659	0.0144
		371	0.0144			1736	0.0216
		372	0.0432			1737	0.1080
		365/4431	0.1152			1738	0.0360
		365	0.0576			1749	0.0108
		363	0.1512			1748	0.0020
		364	0.0288			1747	0.0216
		362	0.2376			1745	0.0864
		1245	0.0072			1746	0.0072
		361	0.0216			1743	0.0072
		1258	0.2304			1775	0.0792
		324	0.1224			1776	0.0288
		1259	0.1584			1777	0.0288
		1262	0.1152			1778	0.0504
		316	0.0216			1779	0.0108
		1287/4394	0.0288			1798	0.0720
		1288	0.0720			1806	0.0072

1	2	3	4	1	2	3	4
29. खंडीप (जारी...)		1799	0.0504	29. खंडीप (जारी...)		2270	0.0072
		1800	0.0288			2254	0.0792
		1801	0.0288			2253	0.0432
		1793	0.0036			2255	0.0040
		1792	0.0216			2252	0.0432
		1830	0.0144			2246	0.0288
		1922	0.0144			2250	0.0288
		1921	0.0216			2251	0.0020
		1916	0.0020			2247	0.0504
		1917	0.0144			2242	0.0936
		1919	0.0144			2248	0.0036
		1918	0.0432			2240	0.0288
		1914	0.1080			2241	0.0030
		1964	0.0020			3018	0.0072
		1965	0.0648			3019	0.0432
		1966	0.0288			3020	0.0100
		1967	0.0360			3035	0.0144
		1978	0.0040			3076	0.0864
		1979	0.0360			3077	0.0036
		1981	0.0010			3068	0.0648
		1980	0.0432			3069	0.0360
		2073	0.0576			3070	0.0576
		2081	0.0100			3071	0.0020
		2074	0.0360			3065	0.0010
		2075	0.0792			3063	0.0360
		2079	0.0216			3062	0.0020
		2078	0.0576			3064	0.1080
		2077	0.0216			3061	0.0360
		2119	0.0020			3060	0.0360
		2118	0.0040			3059	0.0720
		2117	0.0288			3904	0.0288
		2137	0.0360			3903	0.0288
		2138	0.0036			3902	0.0288
		2135	0.0144			3325	0.0360
		2136	0.0792			3326	0.0648
		2186	0.0010			3327	0.0936
		2133	0.0360			3333	0.1152
		2134	0.0020			3334	0.0792
		2188	0.0216			3336	0.0792
		2131	0.0504			3335	0.0288
		2130	0.0432			3337	0.0360
		2129	0.0432			3338	0.0576
		2132	0.0020			3341	0.0020
		2128	0.0216			3340	0.0648
		2127	0.0504			3339	0.0792
		2126	0.0020			3346	0.0648
		2210	0.0010			3345	0.0036
		2211	0.0432			3347	0.1080
		2212	0.0100			3348	0.0144
		2214	0.0030				
		2213	0.0036				
		2236	0.0288				

(फा.सं. आर.-31015/93/2004-ओ आर- II)

हरीश कुमार, अवर सचिव



New Delhi, the 18th August, 2005

S. O. 2940.— Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 932, dated the 4<sup>th</sup> March, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) published in the Gazette of India dated the 12<sup>th</sup> March, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 25<sup>th</sup> May, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land, specified in the Schedule, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

**SCHEDULE**

Tehsil : Gangapur District : Sawai Madhopur State : Rajasthan

S.No.	Name of Village	Survey No.	Area in Hectare
1	2	3	4
1.	Tatwada	756	0.0288
		883	0.1296
		882	0.0288
		757	0.6624
		814	0.2952
		813	0.0720
		812	0.0288
		810	0.0360
		809	0.0360
		808	0.0020
		811	0.0720
		803	0.0720
		797	0.0010
		798	0.0216
		799	0.0720
		800	0.0504
		801	0.0072
		782	0.0216
		781	0.0576
		780	0.0576
		779	0.0792
		778	0.1872
		775	0.1224
		773	0.0144
		772	0.1008
		771	0.0072

	2	3	4
2. Badh Tatwada	116	0.2520	
	114	0.0360	
	122	0.0648	
	121	0.0020	
	120	0.1728	
	118	0.0432	
	120/468	0.0432	
	124	0.0504	
	125	0.0936	
	127	0.0432	
	133/476	0.1080	
	138	0.1512	
	144	0.0432	
	137	0.0432	
	145	0.0216	
	146	0.1440	
	217	0.0010	
	218	0.2520	
	216	0.0648	
	224	0.0360	
	245	0.1152	
	248	0.1224	
	249	0.1440	
	278	0.0020	
	277	0.1152	
	276	0.0720	
	275	0.0504	
	274	0.0576	
	273	0.1440	
	322	0.0504	
	320	0.0216	
	323	0.1008	
	318	0.0864	
	335	0.0936	
	336	0.0144	
	338	0.0010	
3. Narayanpur	504	0.0864	
	505	0.0936	
	506	0.0936	
	507	0.1224	
	509	0.1152	
	517	0.0288	
	516	0.0144	
	510	0.0072	
	514	0.0720	
	512	0.0720	
	513	0.0020	
	511	0.0360	
	528	0.0216	
	545	0.1224	
	546	0.0010	
	548	0.1368	
	554	0.0864	
	553	0.1080	
	540	0.0144	
	604	0.0864	

1	2	3	4	1	2	3	4
8.	Dhay (Contd.)	185	0.0360	10.	Umri (Contd.)	897	0.0072
9.	Bucholai	893	0.3240			898	0.3960
		895	0.1080			871	0.0432
		895/1	0.1728			872	0.2160
		893/1	0.0036			930	0.2016
		890	0.1872			868	0.2016
		889	0.0504			865	0.0504
		887	0.1440			864	0.1872
		888/1	0.1728			863	0.0504
		728	0.2160			858	0.0792
		735	0.0360			857	0.0504
		736	0.2088			856	0.0432
		737	0.1656			837	0.2808
		740	0.2088			838	0.0144
		739	0.0020			840	0.0360
		743	0.1224			839	0.0144
		747	0.0504			758	0.0144
		745	0.0070			766	0.1296
		746	0.1368			766/1121	0.0864
		748	0.0040	11.	Lalpur	303	0.2808
		751	0.0020			299	0.0216
		752	0.0864			314	0.0072
		753	0.1554			278	0.4104
		772	0.0144			279	0.2088
		770	0.0576			268	0.2736
		769	0.0792			266	0.0576
		767	0.0720	12.	Salempur	759	0.2304
		766	0.0030			760	0.1224
		763	0.0792			754	0.1512
		764	0.0792			719	0.0144
		655	0.0072			762	0.0036
		683	0.1152			761	0.0036
		670	0.0864			547	0.1008
		682	0.0288			546	0.1116
		678	0.1080			544	0.1008
		675	0.1152			543	0.1728
		674	0.0144			549	0.0216
		548	0.1800			563	0.0648
		550	0.1296			562	0.0036
		551	0.1152			560	0.2160
		552	0.0864			565	0.0144
		578	0.2520			566	0.0050
		576	0.1192			557	0.0072
		575	0.1656			567	0.1080
		582	0.0072			568	0.0864
		583	0.1728			625	0.0144
10.	Umri	958	0.1008			645	0.1188
		959	0.1656			644	0.1008
		960	0.1728			643	0.0720
		961	0.0216			642	0.1224
		957	0.0576			626	0.1296
		888	0.1728			617	0.0072
		889	0.0072			616	0.1224
		893	0.1584			612	0.2808
		894	0.0792			611	0.0144

1	2	3	4	1	2	3	4
12. Salempur (Contd.)	609/875	0.0864		14. Mau-Kalan (Contd.)	779	0.0216	
	190	0.0288			739	0.0144	
13. Chuli	2073	0.0360			760	0.1008	
	2074	0.3454			740	0.1440	
	2068	0.1296			741	0.0144	
	2062	0.0360			704	0.1008	
	2061	0.0720			703	0.0144	
	2060	0.1728			700	0.1224	
	2057	0.0020			699	0.0180	
	387	0.1008			667	0.1080	
	392	0.1080			705	0.0144	
	2002	0.0216			665	0.0720	
	2001	0.0216			666	0.0576	
	2000	0.1152			826	0.0864	
	1999	0.0025			829	0.0288	
	1998	0.1296		15. Mau Khurd	311	0.0144	
	1997	0.0720			312	0.0072	
	1996	0.0720			310	0.1296	
	1994	0.0072			314	0.0504	
	1995	0.0864			315	0.0288	
	403	0.0020			316	0.0072	
	404/2149	0.2088			318	0.0072	
	428	0.1296			320	0.0360	
	429	0.1440			317	0.0180	
	427	0.0504			294	0.0036	
	454	0.1332			295/1	0.0756	
	451	0.0576			296	0.0107	
	455	0.1584			291	0.0040	
	449	0.0936			292	0.0684	
	565/3190	0.1368			289	0.0468	
	565	0.1656			288	0.0432	
	445	0.0576			286	0.0216	
	926	0.0936			287	0.0144	
	947	0.1872		16. Chak Chava	123	0.0010	
	949	0.0042			122	0.0252	
	1186	0.0432			121	0.0648	
	1189	0.0216			120	0.0010	
	1140	0.0303			119	0.0648	
	1197	0.1080			116	0.0432	
	1198	0.0020			115/200	0.0144	
	1201	0.3096			115	0.0144	
	1208	0.0684			114	0.1872	
	1210	0.0360			107	0.0036	
	1209	0.0020			104	0.0144	
	1211	0.0216			105	0.0020	
	1212	0.0252			106	0.0720	
14. Mau Kalan	845	0.1296			129	0.0036	
	837	0.1224			89	0.0432	
	838	0.0072			134	0.0108	
	825	0.1728			84	0.0540	
	821	0.0288			83	0.1584	
	778	0.0144			81	0.0020	
	763	0.0288		17. Khanpur Badoda	694	0.0360	
	761	0.0360			695	0.0144	
	762	0.1368			693	0.0864	

1	2	3	4	1	2	3	4
3.	Narayanpur(Contd.)	603	0.0720	5.	Hirapur (Contd.)	6	0.0504
		602	0.0216			5	0.0576
		601	0.0936			3	0.3528
		600	0.0720	6.	Jaisinghpura	262	0.0720
		606	0.0020			263	0.0288
		596	0.2376			261	0.0576
		656	0.0072	7.	Tutolai	612	0.1944
		595	0.0864			610	0.2448
		662	0.1296			609	0.2268
		838	0.0360			608	0.1296
		839	0.0648			600	0.0936
		840	0.0504			599	0.1080
		841	0.0504			598	0.1152
		842	0.0648			595	0.1152
		845	0.0936			594	0.0936
		847	0.1872			589	0.0144
		822	0.0504			577	0.0936
		850	0.0504			574	0.0936
		809	0.0504			580	0.0144
		807	0.0864			576	0.2664
		806	0.0576			575	0.1080
		805	0.0288			567	0.0936
		796/3	0.2016			566	0.0144
		796/2	0.0288			559	0.0030
		795	0.1440			558	0.0432
		783	0.0288			535	0.0144
		782	0.0504			557	0.0432
		779	0.0216			556	0.0432
		793/1	0.0072			553	0.0432
		778	0.0144			552	0.0504
		772	0.2880			536	0.0504
		774	0.0072			537	0.0360
		773	0.1080			538	0.0020
		765	0.2160			534	0.5760
		766	0.2736	8.	Dhay	305	0.4032
		767	0.0020			174	0.2520
4.	Badh Milakpur	361	0.0030			216	0.0288
		349	0.0030			215	0.2592
		382	0.0936			214	0.0504
		383	0.0020			213	0.0020
		381	0.0936			212	0.0072
		380	0.0144			177	0.0864
		374	0.1152			211	0.0216
		375	0.0432			210	0.0072
		373	0.0360			178	0.0504
		377	0.0576			180	0.0020
		372	0.0864			179	0.0576
		371	0.0720			181	0.1224
		358	0.0072			182	0.0504
		359	0.1440			209	0.0050
		355	0.1800			183	0.0144
		350	0.1224			192	0.0144
		347	0.1008			184	0.2304
		346	0.4608			187	0.0144
5.	Hirapur	13	0.1152			186	0.0576

1	2	3	4	1	2	3	4
24. Seva (Contd.)		4	0.0792	26. Vazirpur (Contd.)		109	0.0720
		3	0.0864			108	0.0030
25. Shekhpur Bujurg		29	0.0216			43	0.0010
		48	0.2456			44	0.1008
		50	0.0895			107	0.0504
		51	0.0012			45	0.0010
		52	0.2880			106	0.0576
		56	1.1027			105	0.0288
		81	0.1440			104	0.0020
		82	0.0033			54	0.1008
		85	0.2304			55	0.0504
		95	0.0202			56	0.1080
		118	0.0661			59	0.0020
		111	0.1962			58	0.1008
		112	0.2160			92	0.0010
		113	0.0941			76	0.0792
		114	0.0126			77	0.0504
		106	0.3000			75	0.0792
		116	0.0237			79	0.0072
		105	0.0010			20	0.1800
		280	0.1099			35	0.0432
		104	0.1135			1338	0.1656
		281	0.0408			1340	0.0144
		282/695	0.0621			1339	0.2376
		276	0.1345			1343	0.0193
		303/713	0.0066			1345	0.0216
		302	0.0319			1346	0.2088
		302/712	0.0793			1357	0.0036
		287/708	0.0185			1347	0.0072
		300/710	0.0991			1353	0.1296
		297/709	0.1286			1352	0.1296
		297	0.0051			1351	0.0020
		296/705	0.0076			1394	0.0144
		296	0.1508			1462	0.0864
		294	0.2663			1461	0.1440
		337	0.1338			1459	0.0720
		338	0.1246			1458	0.0720
		339	0.0732			1452	0.1080
		339/751	0.1201			1432	0.0756
26. Vazirpur		643	0.0101			1431	0.0432
		642	0.0108			1437	0.0648
		640	0.1890			1428	0.0576
		616	0.1480			1429	0.0210
		617	0.0030			1430	0.0144
		618	0.0216			1417	0.0288
		619	0.0504			1418	0.0078
		615	0.1008	27. Khareda		791/1	0.0295
		612	0.2520			791/2	0.0020
		611	0.0072			792	0.0720
		558	0.0504			793/2	0.1728
		557	0.0010			794	0.0205
		174	0.0720			796	0.0936
		172	0.0648			797	0.0072
		173	0.2736			798	0.0026
		111	0.0432			362	0.0288

1	2	3	4	1	2	3	4
19.	Toksi (Contd.)	1157	0.0468	19.	Toksi (Contd.)	747	0.2719
		1158	0.0360			745	0.1116
		1159	0.0720			746	0.0024
		1129	0.0072			739	0.0432
		1088	0.0720			743	0.0252
		1089	0.0684			740	0.1080
		1094	0.0576			741	0.0648
		1095	0.0020			662	0.0383
		1093	0.1368			666	0.0180
		1081	0.0720			663	0.0432
		1078	0.0010			665	0.1980
		1079	0.0432			667	0.0864
		616	0.0540	20.	Dob	79	0.0928
		624	0.0360			78	0.0792
		625	0.0020			77	0.0216
		627	0.1440			76	0.0360
		629	0.1404			75	0.0792
		630	0.0396			74	0.0465
		1051	0.0072			64	0.0471
		1052	0.0720			62	0.1260
		1053	0.0010			61	0.0504
		1043	0.0360			52	0.0504
		1048/1842	0.0864			51	0.0720
		1042	0.0216			50	0.0936
		1041	0.0648			49	0.0504
		1040	0.0576			48	0.0216
		1036	0.0504			46	0.1152
		1035	0.0180			45	0.0858
		1014	0.0030			43	0.0504
		1015	0.0180			44	0.0936
		1016	0.0360			42	0.1224
		1017	0.0523			32	0.1800
		1018	0.0610			31	0.0170
		1031	0.0432	21.	Binega	707	0.0116
		1019	0.0216			705	0.0150
		1020	0.0360			704	0.0773
		871	0.0288			697	0.0147
		872	0.0020			675	0.0422
		869	0.0144			676	0.0297
		870	0.0936			677	0.0291
		865	0.0063			678	0.0171
		862	0.0020			672	0.0593
		864	0.0144			681	0.0394
		863	0.1152			662	0.0376
		828	0.0010			663	0.0259
		829	0.0108			664	0.0299
		830	0.2016			665	0.0983
		817	0.0900			661/954	0.0504
		816	0.0720			661	0.0059
		812	0.0577			656	0.0458
		811	0.1469			655	0.0908
		810	0.0308			646	0.0066
		726	0.0144			647	0.0692
		732	0.0504			648	0.0864
		734	0.0648			649	0.0455

1	2	3	4	1	2	3	4
21. Binega (Contd.)		642	0.0667	22. Chhan (Contd.)		223	0.0360
		640	0.0282			221	0.0068
		632	0.0679			254	0.0864
		634	0.0309			255	0.0109
22. Chhan		345	0.0128			259	0.0459
		344	0.1137			267	0.0020
		343	0.0786			260	0.0786
		342	0.1487			262	0.1192
		340/1062	0.0110	23. Uday Khurd		6080	0.0030
		340	0.0010			6083	0.2181
		336	0.0216			6086	0.1199
		339	0.1512			6085	0.1582
		337	0.0099			6088	0.0767
		40	0.0014			6089	0.0884
		41	0.0010			6141	0.0998
		43	0.1040			6090	0.0223
		44	0.0108			6143	0.1109
		332	0.0828			3721	0.0837
		333	0.0072			3720	0.0585
		60	0.0288			3719	0.0468
		328	0.0020			3718	0.0928
		327	0.0648			3714	0.0674
		62	0.0026			3713	0.1275
		63	0.0288			3732	0.1276
		74	0.0288			3733	0.0896
		73	0.0648			3735	0.0333
		72	0.0010			3736	0.1189
		76	0.0504			3736/6425	0.0027
		79	0.0720			3740/6424	0.0540
		78	0.0288			3743	0.0471
		84	0.0072			3744	0.0020
		83	0.0028			3742	0.0900
		82	0.0014			3741	0.0576
		81	0.0022			3709	0.0129
		88	0.0036			3704	0.0504
		85	0.0360			3705	0.0036
		87	0.0432			3703	0.0720
		89	0.0216			3702	0.0504
		86	0.0121			3701	0.0144
		161	0.0180	24. Seva		57	0.2160
		162	0.0792			53	0.2304
		163	0.0014			52	0.0835
		166	0.1321			51	0.0891
		168	0.0792			50	0.0911
		170	0.0072			48	0.1254
		169	0.0180			49	0.0030
		196	0.0648			46	0.1403
		193	0.0216			10	0.0812
		195	0.0288			9	0.0432
		194	0.0648			8	0.0216
		214	0.0504			13	0.0144
		213	0.0025			6/4268	0.0288
		216	0.0025			6	0.0030
		215	0.0288			5	0.2016
		222	0.0396				

1	2	3	4	1	2	3	4
17.	Khanpur Badoda (Contd.)	689	0.0720	18.	Badoda Jat (Contd.)	727	0.2304
		690	0.1440			726	0.0180
		691	0.1080			725	0.0036
		856	0.0144			313	0.0576
		917	0.0144			314	0.0864
		918	0.2520			379	0.0504
		919	0.0288			374	0.0072
		914	0.0072			375	0.0432
		915	0.1224			378	0.0720
		877	0.0720			377	0.0036
		909	0.0072			722	0.0144
		910	0.1584			386	0.1008
		907	0.1872			383	0.0144
		905	0.0720			384	0.1440
		930	0.1152			385	0.0072
		932	0.0720			389	0.0144
		949	0.1296			399	0.0648
		950	0.0072			409	0.0010
		946	0.1440			410	0.1224
		960	0.0288			411	0.0144
		640/1181	0.0288			489	0.0144
		640	0.0576			490	0.1080
		536	0.0720			491	0.0072
		538	0.1296			488	0.0144
		537	0.0864			487	0.0432
		539	0.0216			486	0.0036
		608	0.0010			485	0.0020
		609	0.1800			501	0.1296
		611	0.0288			502	0.0216
		610	0.0030			503	0.0020
		600	0.2592			504	0.1080
		557	0.0072			505	0.0864
		558	0.0792			507	0.0072
		559	0.0360			508	0.0072
		567	0.1080			515	0.0144
		566	0.0792			516	0.0072
		564	0.0432			474	0.0288
		563	0.0144			475	0.0720
		570	0.0144			468	0.0720
		572	0.0648			467	0.0036
		562	0.1728			469	0.1800
		574	0.0020			457	0.0144
		573	0.0144			102	0.0936
		291	0.1080			103	0.0072
		290	0.0792			101	0.0020
18.	Badoda Jat	732	0.0720			100	0.1224
		763	0.0072			99	0.0432
		733	0.0936	19.	Toksi	1140	0.0144
		735	0.0108			1141	0.1368
		738	0.1476			1141/1859	0.0010
		737	0.0036			1138	0.1224
		739	0.0576			1151	0.1476
		740	0.0936			1160	0.0033
		728	0.0036			1156	0.0432
		741	0.0036			1155	0.0144



1	2	3	4	1	2	3	4
27. Khareda (Contd.)		359	0.1584	28. Kishorpur (Contd.)		1420	0.0288
		358	0.0528			1419	0.0288
		357	0.1368			1421	0.1296
		356	0.0504			1422	0.0020
		354	0.0192			1423	0.0010
		355	0.1421			1424	0.0288
		350	0.2808			1425	0.0432
		352	0.0213			1426	0.0360
28. Kishorpur		2220	0.0072			1427	0.0108
		2217	0.0072			1428	0.0462
		2221	0.0020			1430	0.0010
		2222	0.1224			1429	0.0681
		2223	0.0072			1434	0.0030
		2225	0.1008			1435	0.0616
		2226	0.0216			1436	0.0094
		2227	0.0432			1437	0.0792
		2232	0.0036			1445	0.0010
		2229	0.0010			1438	0.0360
		2230	0.0360			1439	0.0072
		2231	0.0648			1442	0.0360
		2244	0.0468			1440	0.0020
		2245	0.0720			1443	0.0135
		2248	0.0364			1505	0.0504
		2246	0.0288			1506	0.0432
		2314	0.0010			1507	0.0108
		2249/2541	0.0864			1664	0.0020
		2286	0.0020			1663	0.0720
		2287	0.0648			1687	0.0020
		2288	0.0108			1689	0.0432
		2289	0.0216			1661	0.0072
		2290	0.0360			1660	0.0288
		2292	0.0096			1662	0.0432
		2293	0.0432			1654	0.0020
		2297	0.0010			1653	0.0864
		2296	0.0576			1650	0.0044
		2307	0.0108			1652	0.0020
		2305	0.0216			1651	0.0468
		2306	0.0720			1647	0.0341
		1766	0.0144			1646	0.0157
		1752	0.0720			1514	0.0144
		2343	0.0144			1534/2563	0.0360
		1753	0.0020			1515/2561	0.0360
		1751	0.0020			1518	0.1516
		1754	0.1800			1534	0.5280
		1755	0.0180			1520	0.0432
		1757	0.0216			809	0.0815
		1758	0.0010			763	0.0144
		1756	0.0504			764	0.0553
		1746	0.0648			765	0.0396
		1747	0.0108			766	0.0287
		1743	0.0020			767	0.0020
		1745	0.0108			769/2560/2	0.1249
		1414	0.0010			794	0.0010
		1415	0.0030			796	0.1265
		1416	0.0618			797	0.0719

1	2	3	4	1	2	3	4
28.	Kishorpur (Contd.)	798	0.0479	29.	Khandip (Contd.)	1287	0.1512
		779	0.0814			1292	0.0504
		781	0.0010			1291	0.1008
		778	0.0475			1293	0.0216
		777	0.0936			1293/4370	0.0648
		1540	0.0183			1294	0.0216
		1543	0.0891			1295	0.1296
		1544	0.0647			1296	0.0020
		1545	0.0084			1309	0.0216
29.	Khandip	680/4488	0.1512			1308	0.0020
		681	0.0144			1310	0.1008
		679	0.3024			1311	0.1728
		678	0.0100			1312	0.0216
		676	0.2880			1484	0.0108
		675	0.2160			1473	0.0576
		677	0.0792			1474	0.0360
		702	0.0144			1479	0.0576
		639	0.0144			1475	0.0216
		647	0.1728			1478	0.0036
		646	0.0144			1489	0.0072
		641	0.1296			1469	0.1224
		651	0.3024			1470	0.0288
		611	0.4392			1468	0.0864
		611/4478	0.0360			1466	0.0288
		590	0.0504			1467	0.0020
		573/4439	0.1800			1464	0.0020
		574	0.0288			1465	0.0576
		387	0.0030			1671/4428	0.0432
		384	0.1800			1670	0.0432
		385	0.0216			1673	0.1656
		383	0.0720			1667	0.0072
		396	0.0180			1665	0.0100
		397	0.1152			1666	0.0010
		379	0.0288			1662	0.0246
		378	0.0576			1664	0.0010
		369	0.0036			1663	0.0864
		377	0.1008			1661	0.0020
		374	0.0792			1660	0.0720
		373	0.0576			1659	0.0144
		371	0.0144			1736	0.0216
		372	0.0432			1737	0.1080
		365/4431	0.1152			1738	0.0360
		365	0.0576			1749	0.0108
		363	0.1512			1748	0.0020
		364	0.0288			1747	0.0216
		362	0.2376			1745	0.0864
		1245	0.0072			1746	0.0072
		361	0.0216			1743	0.0072
		1258	0.2304			1775	0.0792
		324	0.1224			1776	0.0288
		1259	0.1584			1777	0.0288
		1262	0.1152			1778	0.0504
		316	0.0216			1779	0.0108
		1287/4394	0.0288			1798	0.0720
		1288	0.0720			1806	0.0072

1	2	3	4	1	2	3	4
29. Khandip (Contd.)		1799	0.0504	29. Khandip (Contd.)		2270	0.0072
		1800	0.0288			2254	0.0792
		1801	0.0288			2253	0.0432
		1793	0.0036			2255	0.0040
		1792	0.0216			2252	0.0432
		1830	0.0144			2246	0.0288
		1922	0.0144			2250	0.0288
		1921	0.0216			2251	0.0020
		1916	0.0020			2247	0.0504
		1917	0.0144			2242	0.0936
		1919	0.0144			2248	0.0036
		1918	0.0432			2240	0.0288
		1914	0.1080			2241	0.0030
		1964	0.0020			3018	0.0072
		1965	0.0648			3019	0.0432
		1966	0.0288			3020	0.0100
		1967	0.0360			3035	0.0144
		1978	0.0040			3076	0.0864
		1979	0.0360			3077	0.0036
		1981	0.0010			3068	0.0648
		1980	0.0432			3069	0.0360
		2073	0.0576			3070	0.0576
		2081	0.0100			3071	0.0020
		2074	0.0360			3065	0.0010
		2075	0.0792			3063	0.0360
		2079	0.0216			3062	0.0020
		2078	0.0576			3064	0.1080
		2077	0.0216			3061	0.0360
		2119	0.0020			3060	0.0360
		2118	0.0040			3059	0.0720
		2117	0.0288			3904	0.0288
		2137	0.0360			3903	0.0288
		2138	0.0036			3902	0.0288
		2135	0.0144			3325	0.0360
		2136	0.0792			3326	0.0648
		2186	0.0010			3327	0.0936
		2133	0.0360			3333	0.1152
		2134	0.0020			3334	0.0792
		2188	0.0216			3336	0.0792
		2131	0.0504			3335	0.0288
		2130	0.0432			3337	0.0360
		2129	0.0432			3338	0.0576
		2132	0.0020			3341	0.0020
		2128	0.0216			3340	0.0648
		2127	0.0504			3339	0.0792
		2126	0.0020			3346	0.0648
		2210	0.0010			3345	0.0036
		2211	0.0432			3347	0.1080
		2212	0.0100			3348	0.0144
		2214	0.0030				
		2213	0.0036				
		2236	0.0288				

**श्रम मंत्रालय**

नई दिल्ली, 18 जुलाई, 2005

**का. आ. 2941.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, डी.डी.के. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नम्बर II, नई दिल्ली के पंचाट (संदर्भ संख्या 92/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-07-2005 को प्राप्त हुआ था।

[सं. एल-42012/135/02-आई आर(सी-II)]

एन.पी. केशवन, डेस्क अधिकारी

**MINISTRY OF LABOUR**

New Delhi, the 18th July, 2005

**S.O. 2941.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 92/2002) of the Central Government Industrial Tribunal-cum-Labour Court, No. 2, New Delhi as shown in the Annexure, in the Industrial Dispute between the management of Delhi Doordarshan Kendra and their workman, received by the Central Government on 18-07-05.

[No. L-42012/135/02-IR (C-II)]

N.P. KESAVAN, Desk Officer

**ANNEXURE****BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI**

PRESIDING OFFICER: R. N. RAI

I.D. No. 92/2002

In the matter of:

Shri Manjit Singh,  
S/o. Shri Zeele Singh,  
C/o. P-2/624, Sultanpuri,  
New Delhi

*VERSUS*

The Director General,  
Delhi Doordarshan Kendra,  
M/s. Prashar Bharti, Mandi House,  
New Delhi-110001

**AWARD**

The Ministry of Labour by its letter No. L-42012/135/2002-IR (CM-II) Central Government Dt. 11-11-2002 has referred the following point for adjudication.

The point runs as hereunder:

“Whether the action of the management of Prasar Bharti Broadcasting Corporation, Doordarshan Kendra, New Delhi in terminating the services of Shri Manjit Singh, Ex. Casual Peon w.e.f. 01-02-2001 is

legal and justified? If not, to what relief the workman is entitled to?”

It transpires from perusal of the order sheet that notice to the workman was sent on 27th January, 2005 directing him to appear on 23-03-2005 but the workman applicant has not turned up. The management has been present all along. The workman applicant has not filed claim statement despite service of the notice.

No dispute award is given.

Date: 07-07-2005

R. N. RAI, Presiding Officer

नई दिल्ली, 21 जुलाई, 2005

**का. आ. 2942.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल इश्योरंस कं. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 126/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-07-2005 को प्राप्त हुआ था।

[सं. एल-17012/14/01-आई आर(बी-II)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 21st July, 2005

**S.O. 2942.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 126/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the Industrial Dispute between the management of National Insurance Company Ltd. and their workmen, received by the Central Government on 21-07-05.

[No. L-17012/14/01-IR (B-II)]

B. M. DAVID, Under Secy.

**ANNEXURE****BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW**

Present:

SHRIKANT SHUKLA,  
Presiding Officer

I.D. No. 126/2001

Ref. No. L-17012/14/2001-IR (B-II) Dt. 3-8-2001

Between

Babu Lal S/o Chhotey Lal,  
C/o B.P. Singh  
E-1 & 5, Sector G, LDA Colony,  
Kanpur Road, Lucknow (U.P.)

AND

Regional Manager,  
National Insurance Co. Ltd.,  
Jiwan Bhawan,  
Hazratganj, Lucknow

### AWARD

The Government of India, Ministry of Labour *vide* its order No. L-17012/14/2001-IR (B-II) dated 3-8-2001 referred the following dispute for adjudication to Presiding Officer CGIT-cum-Labour Court, Lucknow :

“Whether the action of National Insurance Corporation Ltd., Lucknow was legal and justified in terminating the services of Babu Lal from 1-3-2000 ? If not what relief the workman is entitled ?”

The worker's case is that he was employed by Sr. Divisional Manager, National Insurance Co. Ltd., Hazratganj, Lucknow as a Field Assistant/Marketing Assistant w.e.f. 1-4-92 on the initial wages of Rs. 300 per month which was raised subsequently to Rs. 850 per month and he worked till 29-2-2000. While he was so employed with the opposite party, he was attached with one Mr. Brijesh Narain Seth, Development Officer of the opposite party. All of sudden on 1-3-2000, the employer have terminated his services of the worker due to malafide reason and victimisation because the workman concerned was being paid less the minimum wages and the workman insisted to pay wages/salary as per notification of minimum wages issued by the Government. It is for this reason that the employer became annoyed and terminated the services without paying any compensation or notice and violating the provision of Section 25-F of the I.D. Act, 1947. Worker has therefore prayed that the action of the management in terminating the services of workman concerned may be declared as illegal and unjustified and the worker should be reinstated alongwith all consequential benefits including full back wages alongwith cost and expenses of the case.

Opposite party has filed the written statement running into 100 pages. The main contention of the opposite party in the written statement is as follows :

1. This Tribunal-cum-Labour Court has no jurisdiction to entertain and decide the present adjudication case.
2. The worker was attached with Sri B.N. Seth, Development Officer of the National Insurance Co. as Insurance Agent and earning commission on insurance business procured by him and Sri Babu Lal was not employee of the National Insurance Co. and was never paid any wages/salary. It is also alleged that there is no post of Field Asstt./Marketing Asstt. in the National Insurance Co. Babu Lal is therefore not a workman within the meaning of section 2(s) of the I.D. Act, 1947.

3. Sri Babu Lal was neither regular appointed by the National Insurance Co. nor he has worked 240 days in any calander year.

4. The management of the National Insurance Co. had never terminated the services of Babu Lal w.e.f. 1-3-2000 or any other date whatsoever as alleged in the statement of claim.

5. There is no appointment letter and no termination letter.

6. Worker in his own application for appointment as Agent which is as follows :

“..... If my application is accepted, I agree to abide by the Instruction given to me from time to time by the Company. I, further agree that all decisions of the Company shall be binding upon me.

I understand that in case I am appointed as an Agent, such appointment will not carry with it any present or future right of salaried employment in the General Insurance & Industry in any capacity whatsoever.....”

7. Shri Babu Lal was paid commission whenever and wherever worked as Insurance Agent and National Insurance Co. nothing is paid to him. As salary Sri Babu Lal was not subjected to procedure of recruitment. The Insurance Co. has prescribed recruitment procedure and guidelines *vide* which candidates are sponsored by the Regional Employment Exchange, Tests/Interview held and only successful candidates absorbed thereafter. No deviation is permitted from these rules.

8. The reference suffers from misnon joinder of the necessary parties.

9. Claim is belated.

10. Claim is not covered under section 25F. B. G.H. of the I.D. Act, and the management has not continued any of the provision since it is not the case of retrenchment hence the question of reinstatement does not arise.

The management of the Insurance Co. has filed following documents :

1. Photo copy of Reply dt. 7-6-2000 of Sri S.P. Singh Advocate to the Notice of Sri Basant Kr. Singh, advocate.
2. Photo copy of letter dt. 28-8-2000 of Sri B.N. Seth Development Officer, National Insurance Co. Ltd., Lucknow to SRM, Lucknow.
3. Photo copy of certificate of deduction of Tax (Form 16A) in respect of Sri Babu Lal.
4. Photo copy of reply dt. 4-9-2000 of the SRM, National Insurance Co. to the Dy. Labour Commissioner, Lucknow.

5. Photo copy of reply filed by SRM, National Insurance before the ALC (C), Lucknow.
6. Photo copy of application submitted by Babu Lal for appointment as an Agent.
7. Photo copy of application submitted by Babu Lal for Renewal of a Licence to Act as an Insurance Agent.
8. Photo copy of Licence to Act as an Insurance Agent under Part II of the Insurance Act, 1938 issued by the office of the Controller of Insurance to Babu Lal.
9. Photo copy of proforma of application for Agency.
10. Photo copy of proforma of application for Agency.
11. Photo copies of Commission Register regarding payment of commission to Babu Lal.

The worker has filed the following photo copies of the documents :

1. Photo copy of credit/debit voucher dt. 29-5-92 for Rs. 300 paid to Sri Babu Lal towards salary for the month of May, 1992.
2. Photo copy of credit/debit voucher dt. 30-6-92 for Rs. 300 paid to Sri Babu Lal towards salary for the month of June, 1992.
3. Photo copy of credit/debit voucher dt. 7-7-93 for Rs. 225 paid to Sri Babu Lal towards salary for the month of June, 1993 (21-6-93 to 31-6-93)
4. Photo copy of credit/debit voucher dt. 2-1-96 for payment to Sri Babu Lal Rs. 300 towards salary for the month of Dec., 1995. @ Rs. 600 p.m.
5. Photo copy of credit/debit voucher dt. 1-1-97 for Rs. 700 towards salary for the month of Dec. 1996.
6. Photo copy of credit/debit voucher dt. 1-11-97 for Rs. 700 towards salary for the month of Oct. 1997.
7. Photo copy of credit/debit voucher dt. 1-1-98 for Rs. 1100 towards salary for the month of Dec. 1997.
8. Photo copy of credit/debit voucher dt. 21-2-98 for Rs. 750 towards salary for the month of Nov. 1998.
9. Photo copy of credit/debit voucher dt. 2-2-99 for Rs. 800 towards salary for the month of Jan. 2000.

Worker has examined himself in support of his case on 16-11-2004 and the opposite party has examined Development Officer, Sri B.N. Seth on the same date.

Head representative of the parties and perused the evidence on record.

From the pleadings of the parties it is first to determine whether the worker was employee of National Insurance Co. or was the commission agent.

2002 (95) FLR 410 Andhra Pradesh High Court between P. Laxmi Reddy and P.O. Labour Court Hyderabad

and another has rightly held that the commission agent is not workman.

Another case law is also on the record which is 2002(92) FLR 756 Punjab and Haryana High Court between Nestle India Ltd. and P.O. Labour Court, Bhatinda and another on the issue of commission agent the Hon'ble High Court of Punjab and Haryana hold that a commission agent can not be sustained as workman as he is not a workman.

Worker has alleged in his statement of claim that he was employed with the opposite party/employer as Field Asstt/Marketing Asstt. with effect from 1-4-92 and worked without break up to 29-2-2000. He has also alleged that initial salary of Rs. 300 per month and at the time of termination he was paid Rs. 850 per month. He has also alleged that Sri B.N. Seth was the Development Officer and he was attached with him.

He has not stated in his statement of claim that he received any appointment letter. He has also not alleged that he was interviewed/test and selected by selection committee.

Opposite party has also alleged that no appointment letter has been issued to Babu Lal and opposite party has denied that Babu Lal was ever worker of the National Insurance Co.

Worker in his rejoinder at para 27 has stated that he was paid salary in addition to the so called commission by the management. In this circumstances the worker has admitted that he was paid commission by the management.

The opposite party has alleged that Sri Babu Lal was issued a licence by the office of the Controller of Insurance to act as Insurance Agent under Part-II of the Insurance Act, 1938. There is no specific denial in the rejoinder. The opposite party has also alleged that the National Insurance Co. is not employer of the Babu Lal. Since there was no supervision or control of the company over Babu Lal's work. Opposite party has also alleged that there is no relationship of master and servant existed between the National Insurance Co. and Babu Lal. It is also alleged that there was no binding on Babu Lal about his attendance nor timings of his coming and going as the same was dependant on the sweetwill of Babu Lal.

It is admitted fact that Babu Lal was attached with Shri B. N. Seth, Development Officer of the opposite party. Sri B.N. Seth has been examined by the opposite party and he very material witness in the case.

The worker in his cross examination has admitted that he has a Insurance agency. He has also stated in cross examination that to obtain the agency he moved an application. He has also admitted that Insurance agency for the period of 3 years. He has stated that the agency commission is 0.5%. It is also admitted that agency commission was being paid through cheque. However, Babu Lal has not been able to give the details of cheques amount

which he used receive as commission agent. Worker has admitted the document paper no. 20/24 to 20/26.

Paper no. 20/24 to 20/26 is photo copy of the document showing agency commission and the Licence no. of Babu Lal is showing 4008/96 validity of the said licence is shown upto 23-9-99. The document shows the payment of agency commission to Babu Lal.

Worker has also admitted that documents paper No. 20/13 to 20/16. He has admitted that these photo copies of his and same is correct. Worker has also admitted that paper no. 20/17 to 20/23.

20/13 is prescribed application for appointment as agent the same is signed by Babu Lal. Babu Lal has applied for the agency of National Insurance Co. as agent w.e.f. 24-9-96 to 23-9-99. In the bottom of paper no. 20/13 (application) it is mentioned past experience of six years working as agent of National Insurance Co. Sri B.N. Seth has signed the said document as Development Officer. This application contains declaration in Hindi/English which is as follows :

"I, the undersigned declare that the statements made and replies given herein are the best of my knowledge and belief. If any of the particulars given herein are found to be incorrect or untrue, the company will be at liberty to reject my application or to terminate my agency if appointed. If my application is accepted, I agree to abide by the instruction given to me from time to time by the Company. I, further agree that all decisions of the company shall be binding upon me.

I understand that in case I am appointed as an Agent, such appointment will not carry with it any present or future right of salaried employment in the General Insurance Industry in any capacity whatsoever.

Paper no. 20/21 is photo copy of the licence which shows that the licence was renewed upto 24-9-99 to 23-2-2002 that goes to show that at the time of the order of reference by the government Babu Lal was licence holder and agency in respect of National Insurance Co. which was signed on behalf of Sr. Divisional Manager.

Sri B.N. Seth with whom the worker attached has stated on oath that he was working as Development Officer of the Company and his job was to help and guide and encourage the insurance agents. He has clearly alleged that Babu Lal has never employee of the company he was only agent. Sri B.N. Seth has further stated that there is no post of Field Asstt./Marketing Asstt. in the Insurance Company. He has categorically stated that the statement of Babu Lal is false that he was marketing/Field asstt. or he was paid fixed salary. He has further stated that he received commission as commission agent.

In reply to a question on behalf of the worker Sri B.N. Seth has replied :

यह कहना गलत है कि बाबू लाल, नेशनल इन्शोरेंस कंपनी में agent बनने से पूर्व मेरे पास कार्यरत थे।

बाबू लाल ने मेरे पास मेरे मार्गदर्शन में अपने अभिकर्ता के रूप में ही कार्य किया है वह भी अभिकर्ता के रूप में।

एजेंसी कमीशन के अतिरिक्त बाबू लाल को किसी धन का भुगतान नहीं किया गया।

Sri B. N. Seth has stated that his job as Development Officer to increase the business by getting the persons engaged as Agent with National Insurance Co. and Babu Lal accordingly came to him and requested for his engagement as National Insurance Co. agent and accordingly he made available the application form and he also helped him the getting the agency.

Sri B.N. Seth further stated that it is wrong to say that Babu Lal besides the agency work also carried out other work of Insurance Company. He has also denied that Babu Lal received any other payment besides agency commission.

In the circumstances the best witness has been produced by the opposite party who has contradicted statement of Babu Lal. Worker has tried to place some documents purported to be credit/debit vouchers but the same has not been proved according to the law.

Worker's testimony can not be believed that he worked as marketing/field asstt. till 1-3-2000. Instead it is proved that he was merely a commission agent of the Insurance Company which was bringing business for National Insurance Company and was getting commission. It is not proved that he was a worker upto 29-2-2000. National Insurance Company agent is not expected to attend office of the Insurance Co. regularly and no muster roll or attendance register is maintained for his attendance. Therefore there is no question of payment of salary to him. Even if photo copy of credit/debit vouchers are believed to be genuine it can not be said Babu Lal worked in Dec. 1999 onwards as last voucher filed by him is 2-2-99. It is difficult to believe that the worker was working as marketing asstt. and was attached with Sri B.N. Seth, Development Officer. In absence of any appointment letter it can not be believed that Babu Lal was appointed as marketing/field asstt. Babu Lal has tried to win and create confusion. The proved facts therefore are that Babu Lal was issued a licence by the office of Insurance Company and he was attached with Sri B.N. Seth, Development Officer and he was paid commission in respect of the business and thus the National Insurance Company is not the employer and there is no relationship of master and servant existed with the parties. Babu Lal was not bound about his attendance or time and his coming and going as the same was dependent upon

the sweetwill of agent. It is also not proved that Babu Lal was ever appointed by the opposite party in the service as there is no appointment order to prove this fact and therefore there is no question of termination. The issue is accordingly decided against the worker and I also come to the conclusion that worker is not entitled any relief as prayed.

Lucknow  
15-7-2005

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 21 जुलाई, 2005

का. आ. 2943.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान कॉपर लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद संख्या-2, के पंचाट (संदर्भ संख्या 3/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-07-2005 को प्राप्त हुआ था।

[सं. एल-43012/16/97-आई आर (विविध)]  
बी. एम. डेविड, अवर सचिव

New Delhi, the 21st July, 2005

S.O. 2943.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad No. 2, as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Hindustan Copper Ltd. and their workmen, which was received by the Central Government on 21-07-2005.

[No. L-43012/16/97-IR (M)]  
B. M. DAVID, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD PRESENT :

Shri B. Biswas, Presiding Officer

In the matter of Complaint under Section 33A of the I.D.  
Act, 1947.

Complaint No. 3 of 2001

#### PARTIES:

Shri Suketu Nayak, Badge No. 8989  
At Surda New Township,  
P.O. Surda, Distt. Singhbhum (East)  
Jharkhand

..... Complainant

Versus

1. Shri P. K. Gami,  
The Deputy General Manager  
(Pers. & Adm.)

2. Shri A.K. Dash, The Dy.  
Manager (Personnel) at  
& P.O. Mosaboni Mine of  
M/s. Hindustan Copper Ltd.  
Indian Copper Complex at  
Moubhandar, P.O. Ghatsila,  
Distt. Singhbhum, Jharkhand.

.....Opp. Party

(Arising out of Ref. No. 166/98—Ministry's Order No/  
L-43012/16/97-IR (M) dated 9-6-98).

#### Appearances:

On behalf of the Complainant : None

On behalf of the O. P. Mr. D.K. Verma,  
Advocate

State : Jharkhand Industry : Copper Mine.

Dated, Dhanbad, the 6th July, 2005

#### AWARD

This is a complaint petition under Section 33A of the I.D. Act, 1947 filed by the Complaint against the O.P. named above.

2. The case of the complainant in brief is as follows:—

The complainant in his Complaint petition disclosed that during pendency of Ref. Case No. 166/98 the subject matter of which is "Whether the action of the management of Hindustan Copper Ltd., Indian Copper Complex, Mosaboni in fixing the pay of Sri Suketu Nayak, Plaster Asstt. I, Surda Centre less than S/Shri Paresh Shit and Harihar Sethi though senior to them is justified? If not, to what relief he is entitled? Management issued a letter dt. 26-6-2001 to the Complainant threatening him to terminate his service in the event of non-submission of voluntary resignation. After receipt of the said letter he submitted his reply wherein and whereby he drew the attention about pendency of Ref. Case and specifically submitted that service condition cannot be changed during the pendency of the said reference case without taking permission and approval from the Tribunal. He alleged that in spite of the aforesaid fact management/O.P. not only threatend him but also exercising coercion and giving due intimidation practically manufactured resignation letter and terminated him from his service in the garb of V.R.S. which was not only arbitrary but also illegal as it violated the principle of natural justice. Accordingly the Complainant submitted his prayer directing the O.P. management to reinstate him with full back wages and other benefits.

3. O.P. management on the contrary after filing Written objection submitted that consequent upon closure of a number of mines under Mosaboni group of Mines resulting reduction of work load/activities in Surda Mines a large number of workmen became surplus and their services were not required by the O.P. management, as there is no post/department available where their services could be utilised. To save the surplus workmen accordingly management O.P. introduced a Voluntary Retirement



Scheme, 2001 for voluntary retirement of the workman under the said scheme. In response to what scheme the complainant submitted application on 29-6-2001 for retirement under Voluntary Retirement Scheme and exercised option No. I which was duly considered by the management and accepted *vide* letter dt. 4-10-2001. Accordingly the Complainant was retired from his service with effect from 4-10-2001. In the circumstances, the Complainant workman has no *locus standi* to file Complaint petition against the O.P. management under Section 33A of the I.D. Act, 1947. They categorically denied the fact that under coercion and threat or undue influence they obtained that Voluntary Retirement Application from the Complainant. Accordingly they submitted prayer to pass order rejecting the claim of the petitioner workmen.

4. It transpires from the record that in spite of giving ample opportunity the complainant did not consider necessary to appear with a view to substantiate his claim. Considering the record there is no dispute to hold that the Complainant initially raised an Industrial Dispute before the ALC(C) for conciliation, which ultimately resulted reference to this Tribunal for adjudication. The Order of reference issued by the Ministry is as follows :—

“Whether the action of the management of Hindustan Copper Ltd., Indian Copper Complex, Mosaboni in fixing the pay of Sri Suketu Nayak, Plaster Asstt. I, Surda Centre less than S/Shri Paresh Shit and Harihar Sethi though senior to them is justified? If not, to what relief he is entitled?”

On receipt of the order of reference from the Ministry a case was registered being Ref. No. 166/98. It is the specific allegation of the complainant that the O.P. management in the garb of Voluntary Retirement Scheme superannuated him from his service *vide* letter dt. 4-10-2001. It has been specifically alleged by him that the O.P. management under threat, intimidation and coercion and practically manufactured resignation letter and terminated his service under the garb of Voluntary Retirement Scheme. Disclosing this fact it is the claim of the Complainant that by such illegal Act the O.P. management has changed his service condition during pendency of the original Reference case and for that reason the said order is liable to be set aside. On the contrary from the submission of the O.P. management a different picture comes into existence. They submitted that consequent upon closure of a number of mines under Mosaboni group of Mines the work load in Surda Mines was reduced and as a result of which a large number of workers were surplus and for which their services were not required by the Company as there was no post/department where their services could be utilised. Accordingly for the interest of workmen management launched Voluntary Retirement Scheme, 2001 for submitting option by the workmen if they are willing to accept the Voluntary Retirement or not. In response to that scheme the concerned workman submitted

his application on 29-6-2001 for his retirement under Voluntary Retirement Scheme and exercised option No. I. His application was duly considered and accepted by the O.P. management and accordingly he was retired from the services of the Company with effect from 4-10-2001.

No doubt Ref. Case No. 166/98 is pending before this Tribunal for adjudication. It is the specific claim of the O.P. management that Mosaboni Group of Mines were declared closure and as a result of which a large number of workmen of Surda Mine became surplus. For the interest of the workmen if management/O.P. launches any Voluntary Retirement Scheme there is no scope to say that it is illegal. Whether a workman will accept Voluntary Retirement or not is up to his discretion and management cannot compel that workman to accept it. The contention of the O.P. management is that in response to that Voluntary Retirement Scheme the Complainant submitted his application for his retirement and that was duly considered and accepted. On the contrary specific allegation of the Complainant is that by exercising threat, intimidation and coercion management compelled him to submit application for voluntary retirement which was manufactured one. The allegation which has been brought appears to be very serious in nature. Therefore, onus absolutely rests on the Complainant to establish that by exercising, coercion, threat or undue influence management/O.P. obtained his signature on the Voluntary retirement application. Record shows that in spite of giving several opportunities the Complainant did not consider necessary to produce an iota of evidence to establish his claim that under coercion threat or undue influence his signature was obtained in the application of voluntary retirement which was manufactured by the management. There is no bar on the part of any workman to submit application for Voluntary retirement during pendency of any reference for disposal. Submission of voluntary retirement application is quite a different aspect to be considered because of the fact that whether a petitioner will submit Voluntary retirement or not is his full discretion. It transpires that the original reference case No. 166/98 was disposed of by passing a ‘No dispute’ Award *vide* Award dt. 26-4-2005 on the ground that the concerned workman died on 30-1-2004 and as no legal heir came forward with prayer for substitution. In view of the facts and circumstances discussed above it is clear that as no such evidence is forthcoming before this Tribunal relying on which there is scope to arrive into conclusion that the management superannuated the Complainant from his service accepting his voluntary retirement which was obtained by exercising threat, undue influence and coercion. I, therefore, hold that there is no merit in the Complaint petition made by the Complainant and for which he is not entitled to get any relief.

In the result, the Complaint petition filed by the Complainant stands dismissed.

B. BISWAS, Presiding Officer

नई दिल्ली, 21 जुलाई, 2005

का.आ. 2944.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल वेयर हाउसिंग कॉर्पोरेशन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II नई दिल्ली के पंचाट (संदर्भ संख्या 210/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-07-2005 को प्राप्त हुआ था।

[सं. एल-42011/3/99-आई आर (विधि)]

बी० एम० डेविड, अवर सचिव

New Delhi, the 21st July, 2005

S.O. 2944.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 210/99) of the Central Government Industrial Tribunal-cum-Labour Court-II, New Delhi as shown in the Annexure, in the Industrial Dispute between the management of Central Warehousing Corporation, and their workman, received by the Central Government on 21-07-2005.

[No. L-42011/3/99-IR (M)]

B. M. DAVID, Under Secy.

#### ANNEXURE

#### BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II NEW DELHI

PRESIDING OFFICER: R. N. Rai

I. D. No. 210/1999

In The Matter of:-

Federation of CWC Employees Union,  
The Vice President,  
RZ-124, "Vaishali", Dabri Palam Road,  
New Delhi.

VERSUS

Central Warehousing Corporation,  
The Personnel Manager,  
4/1, Siri Institutional Area,  
Hauz Khas, New Delhi.

#### AWARD

The Ministry of Labour by its letter No. L-42011/3/99/IR (M) Central Government dated 22-10-1999 has referred the following point for adjudication :—

The point runs as hereunder :—

“Whether the management of Central Warehousing Corporation recognizing the federation of Unions as representative negotiating agent, ignored the right of the recognized federation/unions under the code of discipline to negotiate on matters of general interest on terms of employment and conditions of service by recognizing splinter group of federation as negotiating agent without verifying its representative character? If so,

whether it amounts to unfair labour practice in violation of Section 15-J of the I.D. Act? If yes, what directions are necessary in the matter?”

The Federation has submitted statement of claim on behalf of the workmen. In the statement of claim, it has been stated that the brief facts leading to the above reference are that the Federation of CWC Employees Unions, having its Head Quarters at Flat No. 9, CWC Staff quarters, Rajender Nagar, Borivili (East), Mumbai-400066, hereinafter referred to as the federation for short is the largest body representing the workmen employed in the Corporation since 1972 and was recognized by the management in 1982 vide its order No. CWC/I-IRO-2(I)/82 dated 30-10-1982. A copy of the said order is annexed hereto and marked as Annexure W-I. That the Corporation is a statutory body set up by Government of India under Section 3 of the Warehousing Corporations Act, 1962, and state under Article 12 of the Constitution of India.

That the management negotiated the first wage settlement with the federation to the exclusion of all other trade unions functioning in the Central Warehousing Corporation, hereinafter referred to as the Corporation, and signed the first all India wage settlement with the Federation on 02-06-1987. The short recital to the said settlement clearly provided as under :

“Whereas the federation of CWC Employees Unions, the apex body representing the employees and recognized by the management.”

That similarly, the second wage settlement was also negotiated by the Corporation with the Federation only and a Memorandum of Understanding was arrived at on 09-01-1992, which was converted into a formal settlement by the Corporation and Federation on 19-12-1992. A copy of each of above two settlements is annexed hereto and marked as Annexure W-II & W-III respectively. That CWC Karamchari Sangh (AB), New Delhi raised an industrial dispute before the Assistant Labour Commissioner (C), New Delhi in 1993 and the management of the Corporation in their reply stated in para 3 and 4 as under :

(3) It would be worthwhile to mention that the management had negotiated the second wage revision with the federation of CWC employees union, a recognized body and the sole bargaining agent. The second wage revision duly approved by the Govt. of India has already been implemented.

(4) That the federation of CWC Employees unions is the sole bargaining agent, the issues of all India nature particularly the wage revision cannot be discussed with an unrecognized union. The interim relief as claimed by the union cannot be considered unless this is discussed with the sole bargaining agent and approved by the Government.

A copy of the said reply/written statement is annexed hereto and marked as Annexure W-IV.

That it would be clear beyond any doubt, on the basis of documents of the Corporation that the Federation

was the only recognized all India body of the workmen of the Corporation till the signing of the second wage settlement dated 19-11-1992. That at the time of negotiations for the 3rd wage settlement in 1996, the management of the Corporation *mala fide* and for ulterior reasons deviated from the above duly accepted and admitted position of the Federation was the only and sole bargaining agent of the workmen of the Corporation and invited other unrecognized splinter unions for bargaining. This mischievous and mala fide move was objected to by the Federation as it continued to be the only recognized Federation at all India level and the said recognition had not been withdrawn and/cancelled by the management of the Corporation.

That in the interest of the workmen of the Corporation, the Federation did not precipitate the matters and only requested the management of the Corporation to hold separate negotiations with it, being the recognized all India Federation. As a matter of principle, the Federation refused to sit with the unrecognized splinter unions. The management in pursuit of its unholy design, insisted on holding joint negotiations with the Federation and two other unrecognized/splinter Federations namely All India CWC Employees Unions Front and Federation of CWC Employees Unions, New Delhi disregarding the objections of the Federation. As this was not acceptable to the Federation, the management for all purposes left no option for the federation but to withdraw from the negotiations for the 3rd wage settlement and to raise an industrial dispute before the RLC (C), New Delhi which has been referred to this Hon'ble Tribunal for adjudication and is pending, being ID No. 19/1997.

That before proceeding further, it is respectfully submitted that the rights of the recognized and unrecognized trade unions were discussed and decided upon in the 29th session of the Standing Labour Committee held at New Delhi on 23rd and 24th July, 1970 as follows :

1. the rights of the recognized unions, inter alia, are to raise issues and enter into collective agreements with employers on general question concerning the terms of employment and condition of service of workers in an establishment or, in the case of a representative union, in an industry in a local area.
2. the unrecognized unions were given the right to represent cases of only individual workmen, concerning dismissal or discharge, before the Labour Court. They have not been permitted to take up issues of general nature.

That similarly the 5th Schedule to the Industrial Disputes Act, 1947, as amended in 1984, deals with unfair labour practices on the part of the management and trade unions/workmen. Item 2(b) and 15 of part 1 of the said schedule provides as under :

"2. To dominate, interfere with or contribute support, financial or otherwise, to any trade union, that is to say—

- (a) .....

- (b) an employer showing partiality or granting favour to one of the several trade unions attempting to organize his workmen or to its members where such a trade union is not a recognized trade union.

1 (9). To show favouritism or partiality to one set of workers regardless of merit.

15. To refuse to bargain collectively, in good faith with the recognized trade union."

That as the management of the Corporation did not bother to heed the repeated representatives of the federation to negotiate with it only on matters of general nature, the federation took up the matter with the RLC (C), New Delhi for intervention vide its claim bearing No. FED/ VICE President (Delhi)/ID/99 dated 15-02-1999, copy annexed hereto and marked as Annexure-W-V. That the matter was examined by Shri Khushal Singh, ALC(C), New Delhi and he informed the management vide letter No. ALC - 1/8(14)/98 dated 15-02-1999 as under :

"The above complaint *prima facie* establish a case of unfair labour practice on the part of management as given in the 5th schedule to ID Act, 1947. It is in the interest of industrial peace in the establishment that matters affecting employees throughout the country are negotiated with recognized union. It is, therefore, suggested that you may discuss the issues with the splinter group but negotiation as per the rules be held with the recognized bargaining agent i.e. federation of CWC Employees Union, Mumbai. A copy of the said letter is annexed hereto and marked as Annexure-VI."

That during the course of the conciliation proceedings conducted by the Id. ALC(C), New Delhi the management did not show any seriousness to resolve the matter and deputed a junior official without any authority as a result of which no serious and effective steps could be taken by the ALC (C), New Delhi to resolve the matter amicably. A copy of the Failure of conciliation report dated 16-07-1999 of the ALC(C), New Delhi is also annexed hereto and marked as Annexure WVII. It would be evident from the said report that the management of the Corporation had a well conceived pre-plan to boost the splinter/unrecognized unions by its over indulgent behaviour towards them and to humiliate and belittle the office bearers of the recognized Federation, in gross violation of principles of collective bargaining.

That it is well established that when there is a recognized Federation/Union, matters of common and general interest are discussed and negotiated with the recognized body only. This is the spirit of recognition under the code of discipline as also the decision of standing labour committee, referred to above in para 9. Yet discarding and disregarding rules of the game, the management of the Corporation wilfully bargained and negotiated with unrecognized/splinter unions and

not with the Federation the terms and conditions of the workmen and finally signed the 3rd wage settlement with the said splinter/unrecognized unions on 12-12-1996.

That not only the above, the management even refused to accede the request of the federation for a meeting to discuss long pending demands of the workmen as requested for in the Federation's letter No. FED/President/99 dated 15-04-1999. A copy of the said letter is annexed hereto and marked as Annexure-W-VIII. It may be mentioned that although the said letter was addressed by name Shri N. K. Choubey, Managing Director, he did not even grant time to the federation for discussion of important long pending issues listed therein. That even after the above reference was made to this Hon'ble Tribunal, the management persisted in its anti-federation attitude and continued meetings with the unrecognized/splinter unions, which was protested by the federation vide letter No. FED/W.P./2000 dated 15-04-2000. A copy of the said letter is enclosed as Annexure-M-IX."

That in the facts and above circumstances the action of the management in refusing to negotiate with the Federation on matters of general interest is bad in law on the following grounds :—

1. Because the Federation admittedly is the only recognized body of the workmen of the Corporation at the all India level and has as such the sole right to bargain with the management on matters of general interest;
2. Because the management has not cancelled the recognition of the Federation till date;
3. Because the action of the management in discussing the matters of general interest with minority, splinter and unrecognized unions is malafide, illegal and inconsistent with code of discipline 1958 ;
4. Because the principle of collective bargaining requires the management to negotiate only with the recognized federation at the national level matters of general interest and not with the other unrecognized/minority unions;
5. Because the action of the management in inviting unrecognized/splinter minority unions has an ulterior motive of promotion such unrecognized/splinter minority unions;
6. Because the action of the management in not discussing matters of general interest with this recognized Federation amounts to unfair labour practice under the Industrial Disputes Act, 1947.

The management has filed written statement. In the written statement it has been stated that the issue referred in the order of reference dated 22-10-1999 for adjudication is not an Industrial Disputes, as defined under sec. 2(k) of ID Act, 1947. The claimant federation has no right to claim

as sole representative of the employee of the union for negotiating with the management. The alleged exclusive right of the Federation to negotiate is not an industrial dispute. The terms of reference is outside the scope of the definition of industrial dispute. The issue being not an industrial dispute the Hon'ble Tribunal has no jurisdiction to entertain and adjudicate the reference. On the sole ground itself the claim of federation is liable to be rejected.

That presuming though not admitting that there is an industrial dispute, it is submitted that there are 39 unions operating in the Corporation and there are 6 unions recognized at regional level and the claimant federation at all India level. Their status on recognition is as under :

- |                        |            |
|------------------------|------------|
| 1. Federation of CWCEU | 30-10-1982 |
| 2. CWCEU (SR)          | 16-02-1971 |
| 3. CWCEU (Gujarat)     | 11-06-1973 |
| 4. CWCEU (MP Region)   | 12-08-1998 |
| 5. CWCEU (ER)          | 08-11-1970 |
| 6. CWCEU (NZ & HO)     | 08-06-1988 |
| 7. CWCEU (Lucknow)     | 28-12-1993 |

Wage revision brought out under settlements in the past were signed by all India Bodies. Therefore, the other unions are necessary and proper party for proper and effective adjudication of the reference. Without the other unions being party to the present proceedings, the terms of the reference cannot be effectively resolved. Therefore, the other unions are necessary and proper parties for effective adjudication and without summoning other unions no proper and effective award can be passed. Hence the claim of the Union is liable to be dismissed.

That though federation of CWC Employees' Union, Mumbai was a recognized Union, other federation and front were also invited for negotiation. It is submitted that the federation of CWCEU Delhi has filed a civil suit after the split in 1992 in the Civil Court. Delhi claiming to be the real recognized federation. The matter is subjudice. In view of the split in the federation of CWC employees Union. It has lost its majority. Hence the claimant federation cannot claim exclusive right to negotiate. In fact no legal right vested with the claimant federation to claim exclusive right to negotiation. With the object of having wider acceptability and consensus other unions federations were invited for negotiation for arriving at settlements having All India effect. Therefore, there is no locus standi for the claimant federation to claim exclusive right of negotiation. The issue of verification of membership is pending with the Ministry of Labour. The claimant federation can not take it granted that the recognition once granted is forever. As per code of discipline the period of recognition is for two years. On this ground also the claim is liable to be dismissed being not maintainable.

The reference is vague as splinter group has not been defined. The reference order is lacking in material particulars. In fact the claimant union lost its majority on split, as stated above. It is not clear how many unions are the splinter unions whether the parent body or the splinter

group has/have the majority and like material particulars not given in the terms of reference. The names of the so called splinter unions have not been given in the terms of reference. On this ground also the reference is bad and invalid.

It would be a futile exercise in proceeding with the dispute as no effective relief could be granted. The recognition if given, to any union is not for life or indefinite. Periodical verification of membership to assess majority and to grant recognition is a natural course. Clock cannot be set back at this distant point of time. That being so, the reference itself has become in fructuous. It is requested that the Hon'ble Tribunal may decide the preliminary objections first before proceeding further, as the objections do go to the root of the matter.

However, it is correct that the federation of CWC Employees union, Mumbai was recognized way back 1982 and its address given is correct. The recognition is as per code of discipline and the recognized federation too would adhere to the code of discipline, as per the letter of recognition dated 30-10-1982. As regards the various unions strength it is stated that the verification of membership of the unions pending before the Ministry of Labour. That the contents of para 7 of the claim are stated are wrong and denied. It is submitted that in order to give wider acceptability and to avoid industrial unrest, the management invited all apex bodies for negotiations. The claimant federation walked out of the negotiation objecting to the presence of the other unions. The constituents of the claimant federation namely CECEU (Gujarat Region) signed the settlement. The settlement so arrived stood implemented and the benefits thereof have been enjoyed by all employees including the members of the claimant union. Hence the claimant union can have no grievance at all. The whole claim is misconceived. The allegations of malafide and unfair labour practice are wrong and denied. The allegations are also vague.

That the contents of para 8 of the claim as stated are wrong and denied. It is submitted that the verification of membership of unions is pending before the Ministry of Labour, Govt. of India. The issue of real federation after the split in the claimant federation in 1992 is pending before Civil Court, Delhi. Whether the federation is having majority or not is in cloud. The allegations as made in this para are wrong and denied. As regards the ID No. 19/97 is matter of record. It is submitted that the settlement of third wage revision stand implemented and all the employees of the corporation availed the benefits including the members of the claimant federation. After having enjoyed the benefits under the said settlement, it is not open to the claimant to say anything contrary to the settlement.

Due to unreasonable and unjustifiable stand of the union the conciliation failed. Report of the conciliation officer is not a conclusive proof the allegations levelled in this para. The allegations are wrong and denied. The settlement on third wage revision is legal and valid. In the given facts and circumstances having negotiation with other all India Federation/Front and to sign the settlement is legal, valid and justified. Industrial peace and harmony are important pillars of Industry and in order to maintain

peace and harmony, the management had to negotiate with other all India Federation which action is justified. It was the claimant union which opted to walk out of the negotiation, though it was invited to negotiation. The letter of 15-04-1999 of the union was replied appropriately vide letter dated 30-7-1999 by the management corporation.

It is correct that the claimant union alone was a recognized body at All India level. But at the same time in the interests of the industry as a whole and to have wider acceptability and consensus, the management invited other federations too which action is legal, valid and justified. The plea of non-cancellation of recognition, is hyper technical plea. In furtherance of Industrial Peace, whatever is done is justified and are legally valid. Nothing unfair or unreasonable in arriving at settlement having wider acceptability. Hence the allegations as made in (A) to (F) are wrong and denied being misconceived.

The Union has filed rejoinder and in the rejoinder the averments of the claim statement have been reiterated and it has been asserted that the claimant union is still the union having largest representatives of the employees.

Evidence of both the parties has been taken. No issue has been pressed as preliminary issue so all the points agitated are decided together.

Heard arguments from both the sides and perused the papers on the record.

It was submitted by the claimant union that the claimant union is the only union having majority and the splinter groups are working at regional level. They can take up the matter of individual employees at regional level and so far as wage settlement is concerned it should be negotiated by the union having majority. The Federation of CWC Employees Union was considered as Apex Body representing the employees and recognized by the management and accordingly MOU was signed by the claimant union on 9-1-1992 in the first wage settlement and the second wage settlement but at the time of negotiations the negotiations for the third settlement in 1996 the management ignored the majority union and negotiated the third wage settlement with splinter groups. These groups are working at regional level and they are unrecognized. It was submitted that the management of the Corporation invited the un-recognized splinter groups and got MOU signed. It was further submitted that the rights of the recognized and unrecognized trade unions were discussed and decided upon in 29th session of the standing labour committee held at New Delhi on 23rd and 24th July, 1970 and it was decided that the recognized union will only raise issue regarding conditions of service of workers and in case of representative union in an Industry in a local area the un-recognized union were given the right to represent the case of only individual workman concerning dismissal or discharge before the Labour Court. They cannot raise issue of general nature and national character. The 5th Schedule of the Industrial Dispute Act, 1947 as amended in 1984 deals with unfair labour practice on the part of the management and trade union/workmen. In item II (b) and 15 of Para-I, it has been provided showing favoritism or partiality to one set of workers,



regardless of merit and to refuse to bargain collectively in good faith with recognized trade unions amounts to unfair labour practice on behalf of the management. The simple case of the claimant union is that the claimant union still commands majority and it is of national character whereas the other unions are the splinter groups or un-recognized groups and command majority at a particular region level.

It was further submitted that the ALC (C) has written letter to the management on 15-02-1999 mentioning therein that the complaint prima facie establishes a case of unfair labour practice on the part of the management as given in the 5th Schedule to ID Act, 1947. It is in the interest of industrial peace in the establishment that matters affecting employees throughout the Country are negotiated with recognized union. So the ALC(C) directed the management to discuss the matter and MOU should be signed by the Federation of CWC Employees Union. The substantial question is as to which union commands majority. Such a question can only be decided by physical verification or by fresh election. The management has recognized this union as of Apex body and the MOU of first wage settlement and second wage settlement was signed by this union alone. The Hon'ble Delhi High court in the similar circumstance in 1999 3 AD (Delhi) 640 has held that in case there is no determination of the status of the major union leading to proliferation of trade unions it would not be only in the interest of justice but also in the public interest as well as industrial peace and harmony that the character of the majority union be ascertained as per the procedure laid down by the Hon'ble Supreme Court. It is of utmost importance and this be done expeditiously because to avoid industrial unrest, it would affect the industrial peace. No willful purpose will be served by reference of such dispute. The Hon'ble Delhi High Court further directed that in view of the decision of the Hon'ble Supreme Court in FCI's case direction should be issued for early election by secret Ballot to determine the majority union as a union is valid for two years only. The Hon'ble Delhi High Court in view of AIR 1997 SC 2817 issued directions for determination of majority character of trade unions by secret ballot.

In view of the decision of the Hon'ble Supreme Court and Hon'ble Delhi High Court and in view of the appendix 9(a) code of discipline in industry in the case between the same union and the same management in the ID case No. 19/97 direction was issued to hold elections to decide which of the groups commands majority and according to that the management will get MOU signed by the union commanding majority. The elections will be held by secret ballot papers within six months from the date of the award and the wage revision will be negotiated and signed by the union commanding majority. The award was given on 23rd March 2004 but so far no election to ascertain the majority union has been conducted by the management. More than a year has elapsed but the management has not bothered to conduct elections to decide the fact as to which union commands majority. Despite the award in ID case No. 19/97 dated 23rd March 2004 the management has taken no action. This is indicative of malafide intention of the management to enter into negotiations with the small unions or splinter groups functioning at regional level.

It was further submitted from the side of the claimant union that the Hon'ble High Court of M.P. in 1998 III LLJ 961 has held that the management is not obliged to recognize the union, it cannot refuse to hear grievances voiced by it. Reorganization of union for limited purpose of negotiations and settlement cannot be construed as recognition under code of discipline through which major union is recognized on basis of verification. Such limited recognition improves labour management relations. According to the Judgement of the Hon'ble High Court of M.P. it is the duty of the management to give recognition to a majority union on the basis of verification and the management was so directed almost over a year ago to verify the majority by holding elections through secret ballot papers but the management so far has not done so. Can it not be inferred that the management is adamant to give recognition to the minority union of the regional level and ignored the majority union. The Federation of CWC Employees Union can be said to be commanding majority as the management has not dared so far to verify the same. It cannot be even imagined what prevented the management to verify the majority of the union by secret ballot paper despite the directions as per the law laid down by the Hon'ble Supreme Court and by the Hon'ble Delhi High Court and by the Hon'ble M.P. High Court. If the management is of attitude to recognize and negotiate with minority unions the management can be said to be following unfair labour practice in view of the appendix 9(a) code of discipline in an industry.

It was further submitted from the side of the management that the right to negotiate is not an industrial dispute as defined under Section 2 k of the ID Act, 1947. It has been provided in the Indian Constitution that the state shall try to see that workmen take part in the management of an industry. In view of this Article enshrined in the Indian Constitution the concept of trade unions has emerged. Though the trade unions do not participate in the activity of the management but they have a major role to play regarding the conditions of the service of the employees. Such a dispute is no doubt an industrial dispute and the management has no right to discuss and negotiate the matters covering employees on all India level with the splinter minority group. As such in view of the decision of the Hon'ble Supreme Court and the Hon'ble Delhi High Court and Hon'ble M.P. High Court this Court has jurisdiction and it is imperative for the management to get MOU signed by the majority union only. Smaller matters can be discussed with the splinter groups recognized by the management also.

It was further further submitted by the management that the issue of verification of membership is still pending in the Ministry of Labour. The pendency of the matter regarding verification in the Ministry of Labour cannot be deemed to have been decided that the claimant union is not a majority union. The MOU has been signed by the CWC Employees union Gujarat Region. It has been further stated that the MOU has been implemented and the benefit of the third wage revision were availed by all the employees including the members of the claimant federation. Hence the issue has become infructuous one. It was further submitted that the union was called for negotiation of the

third wage settlement but it opted out so negotiations were held and signed by the CWC Employees Union, Gujarat. This establishes the fact that the majority union was not consulted and the negotiations were arrived at in consultation with the minority union CWC Employees Union, Gujarat Region. The union which is functioning in Gujarat cannot be said to be the majority union as the Head Office of the Personnel Manager is in Delhi and the Federation of CWC Employees Union is housed in New Delhi. The union which is functioning in Gujarat Region cannot be said to be union having majority of the employees on all over India basis. As such the management has got the third wage settlement signed by the minority union. According to the written argument there are 39 unions operating in the Corporation and there are 6 unions recognized at regional level and the claimant federation workers at all India level as such the claimant union is still a recognized union commanding majority. This has been tacitly admitted in the preliminary objections of the written statement. If there are 6 recognized unions and the claimant is one of them and the other unions are of different region just as Gujarat, M.P., Lucknow and other places undoubtedly the claimant union is the majority union as among the 6 recognized unions the other unions functions at regional level and memorandum has been signed by the regional union at Gujarat. In case this union is functioning it is imperative duty of the management to enter into negotiations regarding all India level matter with the majority union. The Union of Gujarat Region can only be said to be a minority union.

It was further submitted that the fourth wage revision has been signed and implemented by the federation at regional level. In the affidavit of Amar Chakroborty it has been admitted in para-6 that it is correct that the claimant-union alone was recognized body at all India level but on the same time in the interest of the industry as a whole and to have wider acceptability, the management invited the other federations to which action is legal, valid and justified. As such the management has admitted that the claimant union is alone recognized body at all India level even today. So the claimant union cannot be ignored in wage revision settlements. As according to code of discipline and the judgment of the Hon'ble Supreme Court and Hon'ble Delhi High Court the majority union cannot be ignored. It is not the case of the management that the claimant union has lost majority. It is good that the wage revisions are settled and implemented but it cannot be said that the settlements are valid and in the interest of the employees as the claimant union recognized body at all India level has not signed the settlements.

In order to give a wide acceptability and to avoid industrial unrest the management should invite apex bodies for negotiations. When the claimant federation walked out of negotiations table the management should have ascertained by verification as to which union is the majority union. The settlement should not have been signed by CWCEU Gujarat Region as is the case of the management. There may be industrial unrest at any time if proper action is not taken by the management and the majority union is not verified by secret ballot papers.

The fourth wage reversion has been settled and it has been implemented and it is not possible to ascertain as to which union has majority in its favour. It cannot be said that the management is following unfair labour practice but for the other wage revision the management should verify and single out the majority union and only majority union should be entitled to enter into negotiations in the matters concerning employees as all India level.

It was submitted from the side of the management that the Hon'ble Delhi High Court in 1999 (3) AD 640 has held that majority has not been determined for 20 years there should be afresh determination in the interest of justice, public interest and industrial peace. In the same case the Hon'ble Delhi High Court has directed to determine the majority by verification but the management has not done so despite the award dated 23rd March 2004. The management cannot consider the claimant union as minority union as there is no decision of the management regarding this fact so it can be well said that the claimant union is still a majority union until it fails to prove its majority and the management should get MOUs regarding wage revision settlement signed by this union alone. In ID case No. 19/97 it was decided that it cannot be said that federation of CWC is the real union and the direction was given to verify the same but the management is escaping the liability of verification. In case for over a year there is no verification of the majority union, until the claimant union's majority is verified, it shall be deemed to be the majority union and this union should not be ignored in wage revision settlement of the employees. The management has admitted that the union was recognized in 1982 and it has not been de-recognized up till now. It is not in the discretion of the management without ascertaining majority to term the union as minority union. There is no attempt to determine the majority so the claimant union is the majority union at present until it is found after verification that it does not command majority votes of the employees.

The management is a state in view of the Article 12 of the Constitution and it is expected the management will follow fair procedure. It is well and good that the third and fourth wage revisions have been signed by the splinter groups union but the management cannot deny the fact that these splinter groups do not form the majority union. As per the direction of the Hon'ble Supreme High Court and Hon'ble Delhi High Court and appendix 9 (a) it is the duty of the management to get the MOUs negotiated and settled with the majority union. The management cannot be permitted to ignore the majority union and get MOUs signed by any other union. The majority has not been verified so far so it would amount to unfair labour practice in case the management gets wage revision settled and signed by the union other than the claimant union henceforth. The management doubtless has ignored the claimant union commanding majority. Peace and harmony cannot be bartered by illegal and unjust settlement. The illegality cannot be permitted to be perpetrated. The management is duty bound to get the wage revision negotiated and signed by the majority union. The management should still verify the majority union and take in confidence the majority union while entering into MOU

regarding wage settlement or any matter which concerns the employees on all India basis. The management has disregarded the directions given in award in ID case No. 19/97 of 2004 so it can be presumed that the management is bent upon perpetrating illegality. However, no MOU has been signed after the publication of the award dated 23rd March 2004 so it cannot be said that the management is indulging in unfair labour practice.

The reference is replied thus :—

In case the management of the CWC further ignores the right of the claimant federation to negotiate on matters of general interest in terms of employment and conditions of service and gets MOU signed regarding wage settlement by recognized splinter group of federation as negotiating agent without verifying its majority character, it will amount to unfair labour practice in violation of Section 25-J of the Industrial Dispute Act, 1947. The management is directed to enter into negotiations in matters of general interests as terms of employment and conditions of service by the union having majority.

The Award is given accordingly.

Date : 13-07-2005.

R. N. RAI, Presiding Officer

नई दिल्ली, 25 जुलाई, 2005

का. आ. 2945.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 25/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-07-2005 को प्राप्त हुआ था।

[सं. एल-20012/301/97-आई आर(सी-1)]

एस० एस० गुप्ता, अवर सचिव

New Delhi, the 25th July, 2005

S.O. 2945.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.25/98) of the Central Government Industrial Tribunal/Labour Court, Dhanbad -I now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 22-07-2005.

[No. L-20012/301/97-IR (C-I)]

S.S. GUPTA, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/s. 10(1) (d) (2A) of I. D. Act. 1947

Reference No. 25 of 1998

PARTIES : Employers in relation to the management of Bararce Colliery of M/s. B.C.C. Ltd.

AND

Their workmen.

PRESENT : Shri S. Prasad, Presiding Officer

#### APPEARANCES:

For the Employers : Shri D. K. Verma, Advocate

For the Workmen : None

State : Jharkhand Industry : Coal

Dated, the 30th June, 1998

#### AWARD

By Order No. L-20012/301/97-IR (Coal-I) dated 28-5-98 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management in denial to regularise Shri Chandrika as High Seam Driller with protection of wages is justified ? If not, to what relief is the concerned workman entitled?”

2. This reference was received in this Tribunal on 19-6-1998 and since then none is appearing on behalf of the workman. Despite issuance of registered notice none appeared even on 21-6-2005 on behalf of the workman. It, therefore, appears that neither the sponsoring union nor the concerned workman is interested to contest the case.

3. Under such circumstances, I render a ‘No Dispute’ Award in the present reference case.

S. PRASAD, Presiding Officer

नई दिल्ली, 25 जुलाई, 2005

का. आ. 2946.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-I, के पंचाट (संदर्भ संख्या 11/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-07-2005 को प्राप्त हुआ था।

[सं. एल-20012/419/96-आई आर(सी-1)]

एस० एस० गुप्ता, अवर सचिव

New Delhi, the 25th July, 2005

S.O. 2946.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.11/98) of the Central Government Industrial Tribunal/Labour Court, Dhanbad -I now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the



management of BCCL and their workman, which was received by the Central Government on 22-07-2005.

[No. L-20012/419/96-IR (C-I)]

S.S. GUPTA, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/s. 10(1) (d) (2A)  
of I. D. Act., 1947

Reference No. 11 of 1998

**PARTIES :** Employers in relation to the management of  
Dugda Coal Washery of M/s. B.C.C. Ltd.

AND

Their workmen.

**PRESENT :** Shri S. Prasad, Presiding Officer

#### APPEARANCES :

For the Employers : None

For the Workmen : None

State : Jharkhand Industry : Coal

Dated, the 30th June, 2005

#### AWARD

By Order No. L-20012/419/96-IR (C-I) dated 6-3-1998 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute for adjudication to this Tribunal :

“ Whether the action of the management of Dugda Coal Washery, P. O. Dugda (Bokaro) in denying regularisation of the services of Jaylal Mahato and others (as per list enclosed) is justified ? If not, to what relief is the concerned workman entitled to ? ”

2. This reference case was received in this Tribunal on 1-4-1998. Thereafter in spite of notice being sent by registered post no one appeared from either side even on 21-6-2005 for taking any step.

3. Under such circumstances there is no scope to keep this case pending further and, as such, I render a ‘No Dispute’ Award in the present reference case.

S. PRASAD, Presiding Officer

नई दिल्ली, 25 जुलाई, 2005

**का. आ. 2947.**—औद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14 ) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-I के पंचाट ( संदर्भ संख्या 20/98 ) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-07-2005 को प्राप्त हुआ था।

[ सं. एल-20012/73/97-आई आर(सी-I) ]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 25th July, 2005

**S.O. 2947.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 20/98) of the Central Government Industrial Tribunal/Labour Court, Dhanbad -I, now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 22-07-2005.

[No. L-20012/73/97-IR (C-I)]

S.S. GUPTA, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO-I, DHANBAD

In the matter of a reference U/s. 10(1) (d) (2A)  
of I. D. Act

Reference No. 20 of 1998

**PARTIES :** Employers in relation to the management of  
Nichitpur Colliery of M/s. B.C.C. Ltd.

AND

Their workmen.

**PRESENT :** Shri S. Prasad, Presiding Officer

#### APPEARANCES :

For the Employers : None

For the Workmen : None

State : Jharkhand Industry : Coal

Dated, the 30th June, 2005

#### AWARD

By Order No. L-20012/73/97-IR (C-I) dated 24/27-4-1998 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the dispute for adjudication to this Tribunal :

“Whether the action of the management of Nichitpur Colliery under Sijua Area of M/s. BCCL in denying the employment to the dependent wife, Smt. Rekha Devi of late Amarnath Yadav a clay cartidge maker (whose service has been regularised with retrospective effect by the management of Sijua Area of M/s. BCCL w.e.f. 1-4-1993 as per Bipartite Settlement dt. 15-5-93 had-with R.C.M.S. Union) is justified? If not, to what relief the dependent wife, Smt. Rekha Devi of late Amarnath Yadav is entitled?”

2. This reference case was received in this Tribunal on 25-5-1998. Thereafter registered notices were sent to the parties for taking steps. But even on 23-6-2005 neither the sponsoring union nor the management appeared. It therefore, appears that the sponsoring union is not interested to proceed with the case.

3. Under such circumstances I render a ‘No Dispute’ Award in the present reference case.

S. PRASAD, Presiding Officer

नई दिल्ली, 25 जुलाई, 2005

**का.आ. 2948.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 131/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2005 को प्राप्त हुआ था।

[सं. एल-20012/483/99-आई आर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 25th July, 2005

**S.O. 2948.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 131/2000) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 22-7-2005.

[No. L-20012/483/99-IR (C-I)]

S. S. GUPTA, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference U/s 10(1)(d)(2A)  
of I.D. Act, 1947

Reference No. 131 of 2000

#### PARTIES:

Employers in relation to the management of  
Block-II Area of M/s. B.C.C. Ltd.

AND

Their Workmen

#### PRESENT:

Shri S. Prasad, Presiding Officer.

#### APPEARANCES:

For the Employers : None.

For the Workman : None.

State : Jharkhand Industry : Coal.

Dated, the 30th June, 2005

#### AWARD

By Order No. L-20012/483/99-IR (C-I) dated, 28-2-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management in regularising Shri R.C.P. Singh as a Foreman

(Excavation) is just and fair ? If not, to what relief is the concerned workman entitled ?”

2. This industrial dispute was received in this Tribunal on 13-3-2000. Thereafter in spite of notice being sent by registered post no one appeared from either side even on 3-6-2005 for taking any step. It, therefore, appears that neither the sponsoring union nor the concerned workman is interested to contest the case.

3. In such circumstances, I render a ‘No Dispute’ Award in the present reference case.

S. PRASAD, Presiding Officer

नई दिल्ली, 25 जुलाई, 2005

**का.आ. 2949.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 157/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2005 को प्राप्त हुआ था।

[सं. एल-20012/206/96-आई आर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 25th July, 2005

**S.O. 2949.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 157/97) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 22-7-2005.

[No. L-20012/206/96-IR (C-I)]

S. S. GUPTA, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference U/s 10(1)(d)(2A)  
of I.D. Act.

Reference No. 157 of 1997

#### PARTIES:

Employers in relation to the management of  
Area No. 9 of M/s. B.C.C. Ltd.

AND

Their Workmen

#### PRESENT:

Shri S. Prasad, Presiding Officer.

**APPEARANCES:**

For the Employers : Shri U.N. Lall, Advocate

For the Workman : None.

State : Jharkhand - Industry : Coal.

Dated, the 30th June, 2005

**AWARD**

By Order No. L-20012/206/96-IR (Coal-I) dated, the 2-9-97 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

- “Whether the claim of the Union that Smt. Rahini Kamin applied for resignation under V.R.S. Female in the year 1991 is correct ? If so, whether the management action to refuse employment to her dependant under the Scheme is justified ? If not, to what relief is the workman entitled ?”

2. This reference case was received in this Tribunal on 15-9-1997. But since then none appeared on behalf of the workman till 3-6-2005. Thereafter registered notices were sent to the parties. Even to-day (30-6-2005) none appears on behalf of the workman to take any step. It, therefore, appears that the sponsoring union is not interested to contest the case.

3. Under such circumstances, I render a ‘No Dispute’ Award the present reference case.

S. PRASAD, Presiding Officer

नई दिल्ली, 25 जुलाई, 2005

का.आ. 2950.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 95/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2005 को प्राप्त हुआ था।

[सं. एल-20012/421/93-आई आर(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 25th July, 2005

S.O. 2950.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 95/94) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 22-7-2005.

[No. L-20012/421/93-IR (C-I)]

S. S. GUPTA, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of a reference U/s 10(1)(d)(2A) of I.D. Act.

Reference No. 95 of 1994

**PARTIES:**

Employers in relation to the management of Bhowra Coke Plant of M/s. B.C.C.L.

AND

Their Workmen

**PRESENT:**

Shri S. Prasad, Presiding Officer.

**APPEARANCES:**

For the Employers : None.

For the Workman : None.

State : Jharkhand Industry : Coal.

Dated, the 30th June, 2005

**AWARD**

By Order No. L-20012/421/93-IR (Coal-I) dated, 8-4-94 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

- “Whether the action of the management of Bhowra Coke Plant of M/s. BCCL, Bhowra Area in suspending Sri Babulal Bhuiya, Coke Hopper Mazdoor and subsequently dismissing him from service w.e.f. 3-9-93 is justified ? If not, to what relief is the workman entitled ?”

2. This reference case was received in this Tribunal on 21-4-94 and ultimately this case was fixed for argument on merit on 14-8-2000. Despite giving several adjournment and issuance of registered notice even on 30-6-2005 none appeared from either side. It, therefore, appears that no one from either side is interested to contest the case.

3. In view of such circumstances, I render a ‘No Dispute’ Award in the present reference case.

S. PRASAD, Presiding Officer

नई दिल्ली, 25 जुलाई, 2005

का.आ. 2951.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या

255/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2005 को प्राप्त हुआ था।

[सं. एल-20012/271/2001-आई आर(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 25th July, 2005

**S.O. 2951.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 255/2001) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 22-7-2005.

[No. L-20012/271/2001-IR (C-I)]

S. S. GUPTA, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference u/s. 10(1)(d)(2A)  
of I.D. Act

Reference No. 255 of 2001

#### PARTIES:

Employers in relation to the management of  
Eustore Area of M/s. B.C.C. Ltd.

AND

Their Workmen

#### PRESENT:

Shri S. Prasad, Presiding Officer.

#### APPEARANCES:

For the Employers : Shri H. Nath, Advocate.

For the Workmen : Shri R.C. Sinha, Advocate.

State : Jharkhand Industry : Coal.

Dated, the 14th July, 2005

#### AWARD

By Order No. L-20012/271/2001-IR (C-I) dated, 29-11-2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

#### अनुसूची

“क्या मैसर्स भारत कोकिंग कोल लिमिटेड, के प्रबंधन द्वारा कर्मकार श्री सोहर रविदास, माईनर लोडर, कर्मी संख्या 02863991, भालगोड़ा परियोजना की सेवा बर्खास्तगी दिनांक 25-10-1997 सेवा करना कानून एवं न्याय की दृष्टि से सही एवं उचित है? यदि नहीं, तो कर्मकार किन लाभों का हकदार है?”

2. In this case Shri R.C. Sinha, appearing on behalf of the workmen submits that the concerned workman has already been reinstated in service, therefore now no dispute exists and in that view of the matter this case may be dropped. The management has got no objection.

3. In view of the submission made on behalf of the concerned workman, I render a ‘No Dispute’ Award in the present reference case.

S. PRASAD, Presiding Officer

नई दिल्ली, 25 जुलाई, 2005

**का.आ. 2952.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-1 के पंचाट (संदर्भ संख्या 148/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2005 को प्राप्त हुआ था।

[सं. एल-20012/176/96-आई आर(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 25th July, 2005

**S.O. 2952.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 148/97) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 22-7-2005.

[No. L-20012/176/96-IR (C-I)]

S. S. GUPTA, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference u/s. 10(1)(d)(2A)  
of I.D. Act.

Reference No. 148 of 1997

#### PARTIES:

Employers in relation to the management of  
Bastacola Area No. 9 of M/s. B.C.C. Ltd.

AND

Their Workmen

#### PRESENT:

Shri S. Prasad, Presiding Officer.

#### APPEARANCES:

For the Employers : Shri U.N. Lal, Advocate.

For the Workman : Nil.

State : Jharkhand

Industry : Coal.

Dated, the 11th July, 2005

### AWARD

By Order No. L-20012/176/96-IR (C-I) dated, the 14-8-1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Doberi Colliery of Bastacolla Area of BCCL in dismissing the services of Shri Suraj Kora, Prop. Mazdoor is justified ? If not, to what relief is this workman entitled ?"

2. In spite of notice being sent to the parties in this reference case, none appeared even on 17-6-2005 on behalf of the workman to take any step. It, therefore, appears that neither the concerned workman nor the sponsoring union is interested to contest the case.

3. Accordingly, I render a 'No Dispute' Award is the present reference case.

S. PRASAD, Presiding Officer

नई दिल्ली, 25 जुलाई, 2005

का.आ. 2953.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 297/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2005 को प्राप्त हुआ था।

[ सं. एल-20012/254/2000-आई आर(सी-1) ]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 25th July, 2005

S.O. 2953.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 297/2000) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 22-7-2005.

[No. L-20012/254/2000-IR (C-I)]

S. S. GUPTA, Under Secy.

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NO. 1, DHANBAD

In the matter of a reference u/s. 10(1)(d)(2A) of I.D. Act.

Reference No. 297 of 2000

### PARTIES :

Employers in relation to the management of Kusunda Area of M/s. BCCL

AND

Their Workmen

### PRESENT :

Shri S. Prasad, Presiding Officer.

### APPEARANCES :

For the Employers : Shri R.N. Ganguly, Advocate.

For the Workman : Shri C. Prasad, Advocate.

State : Jharkhand

Industry : Coal.

Dated, the 5th July, 2005

### AWARD

By Order No. L-20012/254/2000-IR (C-I) dated 29-9-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the dispute for adjudication to this Tribunal :

"Whether the action of the management of Kusunda Area of M/s. BCCL in dismissing the services of Smt. Sulochana Devi, widow of late Kamdeo Singh is fair and justified ? If not, to what relief is the concerned workman entitled ?"

2. The case of the concerned workman, in brief, is that Smt. Sulochana Devi, the concerned lady worker was given employment provisionally on 18-12-1993 being dependent of a worker, Kamdeo Singh who died while in service. According to the sponsoring union, Kamdeo Singh was on duty in underground mine of Godhar Colliery of Kusunda Area on 18-12-93 who met with an accident in the underground mine and died. The concerned lady worker, Smt. Sulochana Devi, was given a provisional appointment on the same day i.e. 18-12-1993 under Clause 9.4.2 of NCWA-IV as General Mazdoor and was subsequently regularised. She continued to work to the satisfaction of all concerns till before 10-10-98 when she was dismissed from service without submitting her any chargesheet or giving her any retrenchment notice or notice pay by letter dated 10-10-1998.

3. It is admitted case of the parties that the husband of the concerned lady worker was given employment as per award of this Tribunal dated 30-8-1988 of Reference No. 49 of 1983 and subject to the condition of order passed by the Hon'ble Patna High Court, Ranchi Bench, Ranchi in CWJC No. 899/89 (R). It is admitted that the case of other workman alongwith Kamdeo Singh was referred to this Tribunal and this Tribunal as per award

dated 30-8-88 has made direction to the Management of M/s. B.C.C. Ltd., to employ all the persons mentioned in the list of reference alongwith Kamdeo Singh, which was challenged by the Management in CWJC No. 899/89 (R) before the Patna High Court, Ranchi Bench Ranchi in which directions were passed to give employment to all the persons mentioned in the list of reference but their continuance in service will be subject to the final order to be passed by the Hon'ble Pantna High Court, Ranchi Bench, Ranchi, in CWJC No. 899/89(R). The Hon'ble High Court has passed order sometime in the year 1998 by which the aforesaid award of this Tribunal dated 30-8-88 passed in Reference No. 49/83 was set aside and subsequently the Management terminated the services of all the concerned workmen whose names find place in the list of that reference case alongwith the present concerned lady worker, Smt. Sulochana Devi, who was given employment in terms of Clause 9-4-2 of NCWA-IV. The sponsoring union has filed a copy of the judgement of Hon'ble supreme Court passed in Civil appeal No. 4964/99 by which the order of the Hon'ble High Court passed in the CWJC No. 899/89(R) has been set aside and the award of this Tribunal has been restored by judgement dated 21-3-2001.

4. The pleading of the management is that because the husband of the concerned workman, Smt. Sulochana Devi, was given employment subject to the condition passed by the Hon'ble High Court that such employment shall be liable to be terminated if the Hon'ble High Court passes adverse Order setting aside the award of this Tribunal. Therefore, on the order being passed by the Hon'ble High Court setting aside the said award of this Tribunal all the concerned workmen of the reference case were automatically terminated from services including the present concerned workman, Smt. Sulochana Devi who was given employment under the provision of Clause 9.4.2 of NCWA-IV.

5. The very plea of the management appears to be totally untenable because the provision of 'Clause 9.4.2 of NCWA-IV provides that the employment would be provided to one dependant of the workmen disabled permanently and those who die while in service. Clause 9.4.2. makes provision for implementation of the said agreement. It is not at all disputed that the provision of NCWA-IV has a binding effect on the management as well as the workmen. The provision for giving employment is for all the workmen, may be a casual workman for a single day who dies or becomes disabled in course of his employment. It does not make any difference between the permanent, temporary or casual workman. Therefore, even if the deceased workman, Kamdeo Singh, who was in service because of the award of this Tribunal and subsequent order of the Hon'ble Court his one dependant on event of his death is entitled for employment as per provision of Clause 9.4.2 of NCWA-IV.

Therefore, the action of the management in dismissing the concerned workman, Smt. Sulochana Devi is not based on the provision of NCWA-IV or any provision of the law. Further more, the order of the Hon'ble High Court passed in CWJC No. 899/89 (R) has been subsequently set aside by the Hon'ble Supreme Court and therefore on this score also the concerned workman, Smt. Sulochana Devi is entitled for reinstatement.

6. In the result, I render following award.—

The action of the management of Kusunda Area of M/s. B.C.C. Ltd., in dismissing the concerned workman, Smt. Sulochana Devi is not at all justified and she is entitled for reinstatement with full back wages and other consequential benefits. The management is directed to implement the award within 30 days from the date of publication of the award.

S. PRASAD, Presiding Officer

नई दिल्ली, 25 जुलाई, 2005

का.आ. 2954.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 29/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2005 को प्राप्त हुआ था।

[सं. एल-20012/453/95-आई आर (सी-I)]

एस० एस० गुप्ता, अवर सचिव

New Delhi, the 25th July, 2005

S.O. 2954.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 29/97) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 22-7-2005.

[No. L-20012/453/95-IR (C-I)]

S. S. GUPTA, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NO. 1, DHANBAD

In the matter of a reference U/s. 10(1)(d)(2A) of I. D. Act.

Reference No. 29 of 1997

#### PARTIES:

Employers in relation to the management of Dhansar Colliery of M/s. BCCL.

**AND**

Their Workmen

**PRESENT:**

SHRI S. PRASAD, Presiding Officer

**APPEARANCES:**

For the Employers : Shri R.N. Ganguly, Advocate.

For the Workman : Shri S. Paul, Advocate.

State : Jharkhand Industry : Coal.

Dated, the 4th July, 2005

**AWARD**

By Order No. L-20012/453/95-IR (C-I) dated 10-1-1996 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) of Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Dhansar Collier of M/s. BCCL in retiring on superannuation Shri Hakim Manjhi w.e.f. 7-4-1992 as per date of birth in form ‘B’ Register is justified ? If not, to what relief is Shri Manjhi entitled ?”

2. The case of the sponsoring union, in brief, is that the concerned workman, Hakim Manjhi, was appointed in Manaitand Colliery on 18-1-65 before nationalisation of the colliery. After nationalisation of the collieries Manaitand colliery merged with Bera Colliery where the concerned workman was working as Munshi. He was transferred to Dhansar colliery as munshi sometime in the year 1974. According to the sponsoring union the date of birth mentioned in the Identity Card dated 27-7-74 of the concerned workman is 19-4-1945. Further, according to the sponsoring union sometime in the month of May/June, 1988 the concerned workman got a carbon copy of the service excerpt in which his date of birth was shown as 19-7-1932 on the basis of Form ‘B’ Register. he made several representations to correct the date of birth in Form ‘B’ Register, but the management kept silent and he was arbitrarily superannuated w.e.f. 7-4-1992. According to him, as per school certificate his date of birth is 1-8-1946 and in CMPF record his date of birth has been recorded as 19-4-1945.

3. The case of the management, on the other hand, is that the concerned workman was working in Dhansar colliery as munshi and in the Form ‘B’ Register, which is statutory register his date of birth has been mentioned as 19-7-1932. Further in the year 1987 all the employees of M/s. B.C.C. Ltd., were served with service excerpt giving them opportunity to raise objection regarding any entry in their service record and the service excerpt in three copies were served upon the concerned workman also in the year 1987, in which the date of birth of the concerned

workman was mentioned as 19-9-1932, but the concerned workman did not raise any objection, rather he simply returned two copies of service excerpt after putting signature on the same. Further, according to the management, the concerned workman has raised this dispute at the fag end of his service and this dispute has been referred after the concerned workman has been superannuated from service. According to the management, the actual date of superannuation of the concerned workman is not 7-4-1992, rather it is 7-11-1992. The concerned workman in his evidence has admitted that he has actually been superannuated w.e.f. 7-11-1992.

4. From the pleadings of the parties it is admitted that in the year 1987 the service excerpt was served upon the concerned workman in which the date of birth of the concerned workman was mentioned as 19-9-1933 and at that time the concerned workman did not raise any objection regarding incorrect entry in his date of birth. In the written statement of the sponsoring union an explanation has been sought to be provided for non-objection of the concerned workman regarding the entry of date of birth in the service excerpt in para 4 (d) of the written statement by stating that in the service excerpt the management had stopped him for correcting his date of birth in the column of date of birth although he has corrected other discrepancies regarding father's name, name of nominee etc. but the concerned workman has not supported this fact in his evidence. The concerned workman has not even whispered in his evidence that he was stopped by the management to correct his date of birth in his service excerpt. A direct question was asked in cross-examination of the concerned workman whether he had raised any objection regarding date of birth being mentioned as 19-9-1932 in the service excerpt to which he has stated that ‘Yes’ he had made an objection in the service excerpt itself. But if we weigh this evidence with that of his pleading then I find that in the pleading he has clearly stated that the management did not allow him to make correction in the date of birth contained in the service excerpt. Therefore, it is clear that the concerned workman was served with service excerpt in the year 1987 but he did not make any objection in the service excerpt, rather he returned the same by putting his signature thereby meaning that he had accepted the mention of date of birth as 19-9-1932 in the Form ‘B’ Register.

5. The Management has examined MW-1, Harendra Kishore, Personnel Manager of Kusunda Area, who has produced the photo copy of Form ‘B’ Register because the original has been seized by the C.B.I. and in that photo copy the date of birth of the concerned workman has been mentioned as 19-9-1932. In the pleading of the sponsoring union it has been mentioned that in the Form ‘B’ Register of Manaitand colliery his date of birth was recorded as 19-4-1945 and in the C.M.P.F. record also the



same date of birth has been recorded, but the sponsoring union or the concerned workman has not filed any application making prayer to this Tribunal to call for those documents. Therefore, it can be persued that the sponsoring union did not make such prayer only because the falsity of the claim of the concerned workman would have been apparent if those documents been produced before this tribunal. The sponsoring union has also pleaded in its written statement that in the school leaving certificate the date of birth is August, 1946 but no such school leaving certificate has been filed and the concerned workman has stated on oath that he has got no proof of his age/date of birth.

6. The sponsoring union has filed an Identity Card purported to be issued by the management of Manaitand Colliery on 27-7-74 but as per the pleading of the sponsoring union it is clear that Manaitand Colliery had merged with Bera Colliery after nationalisation of the coking coal industry. It is not disputed that the Coking coal mines were nationalised w.e.f. 1-5-1973. It is also admitted that the concerned workman was transferred to Dhansar Colliery in the year 1974. Therefore, the genuineness of the Identity Card is very much doubtful and the same has not been marked as exhibit because it has not been proved that the Identity Card has been issued under the authority of the management. According to the pleading of the sponsoring union, Manaitand colliery had merged with Bera Colliery and there is no evidence that on 27-7-74 there was existence of Manaitand Colliery.

7. The concerned workman has filed Ext. W-1 a copy of representation dated 12-8-1987 making a prayer for correction of his date of birth and another application with same prayer which is dated 10-11-1992 i.e. just 9 days prior to his superannuation.

8. From the materials available on record, I find that the concerned workman has been superannuated on attaining the age of 60 years as per entry in form 'B' Register of Dhansar Colliery. There is no evidence to prove that the said entry is incorrect. The present dispute has been referred after more than four years of superannuation of the concerned workman, therefore the concerned workman is not entitled to any relief.

9. In the result, I render following award.—

That the action of the management in superannuating the concerned workman is justified and the concerned workman is not entitled to any relief.

S. PRASAD, Presiding Officer

ई दिल्ली, 25 जुलाई, 2005

का.आ. 2955.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों

के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 88/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2005 को प्राप्त हुआ था।

[सं. एल-20012/602/2000-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 25th July, 2005

S.O. 2955.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 88/2001) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 22-7-2005.

[No. L-20012/602/2000-IR (C-1)]

S. S. GUPTA, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NO. 2, AT DHANBAD

#### PRESENT:

SHRI B. BISWAS : Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of I. D. Act. 1947

Reference No. 88 of 2001

#### PARTIES:

Employers in relation to the management of P.B. Area through its General Manager, PO; Kusunda, Dhanbad of M/s. BCCL and their workman

#### APPEARANCES:

On behalf of the workman : Shri S. S. Keshari. Ld.  
Advocate

On behalf of the employer : Mr. H. Nath Ld., Advocate.

State : Jharkhand

Industry : Coal

Dated, Dhanbad the 7th July, 2005

#### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred under Section 10 (1) (d) of the I.D. Act, 1947 has referred the following dispute to this tribunal for adjudication vide their order No. L-20012/602/2000 (C-I) dated the 16th March, 2001.



**SCHEDULE**

"Whether the action of the management of P.B. Area of M/s. BCCL in not regularising Sri Baleshwar Paswan as Typist-cum-Clerk and denial of payment of difference of wages is justified? If not, to what relief is concerned workman entitled from what date?"

2. The case of the concerned workman according to written statement submitted by the sponsoring union on his behalf in brief is as follows :

The sponsoring union submitted that the concerned workman *vide* Order No. 440 dt. 10/11-2-95 was designated as General Mazdoor at Bararee Coke Plant. As the concerned workman was a qualified typist he was transferred to survey Deptt. of Pootki-Balihari Area Office as Typist (T) in the capacity of his existing designation. They Submitted that in the said office order it was stipulated that the concerned workman will be typist for a period of one year and after passing Trade Test he will be regularised as Typist-cum-Clerk in Gr. III or he should be transferred back to his original post.

They submitted that *vide* office order No. 020218 dt. 13/15-2-95 he was released from Bararee Coke Plant and transferred to Survey Deptt. P.B. Area as Typist (T) of P.B. Area. Accordingly, in view of the said order he joined in the office of Chief Survey Officer, P.B. Area as Typist (T) and since then he is discharging his duties as Typist-cum-Clerk continuously to the satisfaction of the management. They submitted that after completion of his one year tenure as typist successfully at Survey Office he approached the management for his regularisation as Typist-cum-Clerk in Gr. III as per stipulation but to no effect. Thereafter he submitted application dt. 2-4-99 and 30-3-98 to the management of P.B. Area for his regularisation but that too did not yield any result and for which he raised an Industrial Dispute before ALC(C), Dhanbad for conciliation which ultimately resulted reference to this Tribunal for adjudication.

The sponsoring union accordingly submitted prayer on behalf of the concerned workman to pass award directing the management to regularise him as Typist-cum-Clerk in Grade III w.e.f. 16-2-96 and in the Grade II w.e.f. 16-2-99 with full difference of wages and consequential benefit.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement submitted on behalf of the concerned workman.

They submitted that the concerned workman was a General Mazdoor of B.C. Plant and was transferred to P.B. Area office in February, 1995. They disclosed that

entry in clerical cadre in Gr. III as per J.B.C.C.I. circular can be made only on the basis of selection by the Selection Committee constituted by the General Manager of the area as per vacancy. A workman of Cat. I cannot place his demand for regularisation in clerical cadre as a matter of right ignoring the recruiting Rules. They submitted that while the clerical staff are surplus the concerned workman can not place his demand for his regularisation as Typist-cum-clerk. His demand for difference of wages is neither justified nor he is entitled to place any such claim.

Accordingly, management submitted prayer to Pass award rejecting the claims of the concerned workman as his demand for regularisation in the post of typist-cum-clerk is without any merit and without jurisdiction.

**4. Points to be Decided**

"Whether the action of the management of P.B. Area of M/s. BCCL in not regularising Sri Baleshwar Paswan as Typist-cum-Clerk and denial of payment of difference of wages is justified? If not, to what relief is the concerned workman entitled from what date?"

**5. Finding with Reasons**

It transpires from the record that the sponsoring union with a view to substantiate their claim examined the concerned workman as W.W. 1 while management in support of their claim examined on witness as M.W. 1.

Considering the materials on record there is no dispute to hold that concerned workman by designation was a General Mazdoor posted at B.C. Plant. It is admitted fact that in the year 1995 he was transferred to P.B. Area office. Concerned workman during his evidence disclosed that he was transferred there as typist *vide* office order (Marked as Exht. W-1. He disclosed that since 1995 he is discharging his duties as typist continuously. Relying on another office order (Marked as Exht. W/2) he submitted that management entrusted him to maintain records of Area Survey Office in addition to his job of typist. The order of transfer and joining report during his evidence were marked as Exht. W/3 to W/4 respectively. He disclosed that in the year 1998 he submitted representation to G.M., Putki Balihari Area (Exht. W/5) with request to regularise him as typist which was not accepted by the management.

M.W. 1 who is attached to Putki Balihari Colliery as Survey Officer during his evidence disclosed that in the year 1995 the concerned workman joined at Survey Office as General Mazdoor. He denied to recognise the concerned workman as typist taking the ground that he did not pass the Trade Test. He further disclosed that there is no post of typist lying at his office. He however admitted that as the concerned workman knows Typing some time he type certain papers on their request. He submitted that as part of duty being a General Mazdoor

the concerned workman distribute official letters, preserves office file and plans properly and also clean the office. M.W. I categorically denied the fact that the concerned workman ever discharged his duties as typist at Survey Office stating the ground that there is no post of typist there sanctioned by the department when such fact is coming from the evidence of M.W. I a different picture comes in from the documents marked as Exh. W.1 and W-3.

The Office Order dt. 10/11-2-95 (Exht. W.1) speaks as follows :

Shri Baleshwar Paswan, General Mazdoor, Bararce Coke Plant having English typist qualification and certificate is hereby transferred to Survey Deptt. of Pootkee Balihari Area Office as Typist (T) in his present Cat. ? Designation.

He will be on Typist (T) for a period of one year and after passing trade test he will be regularised as Typist-cum-Clerk Gr. III or he should be transferred back to his original post.

This order was issued under signature of Dy. Chief Personnel Manager, P.B. Area. It is really astonishing to note that when there was no post of typist at Survey Office how the concerned workman who was a General Mazdoor was posted there as typist (Trainee) for a period of one year. As per the said order the concerned workman will be regularised as typist-cum-clerk Gr. III after passing Trade Test or he should be transferred back to his original post. According to job nomenclature the post of General Mazdoor comes under category-I. As per N.C.W.A. the recruitment of typist-cum-clerk in clerical Gr. III is done by selection/interview through Selection Committee and accordingly, there is no scope to designate a General Mazdoor of Cat I, as Typist (trainee) as per office order. When a workman is selected as typist or clerk (trainee) he is very much entitled to draw wages of that grade or wages specially fixed for the trainee. It is really curious to note that through the said office order the concerned workman was upgraded to the post of Typist (T) his designation remained as General Mazdoor Cat. I which is absurd to swallow. Until & unless there is any nexus in between the interested persons there is no scope at all to issue such type of order. It is also to be looked into, if Dy. Chief Personnel Manager was at all competent to issue such order and if the same actually was issued under his signature. I, therefore, direct the management to place the matter before the vigilance Deptt. of their own to enquire how a General Mazdoor was upgraded as Typist (T) ignoring the norms as laid down in N.C.W.A. and whether the said Dy. Chief Personnel Manager was competent to issue such order and post him to Survey office for his work as Typist (T) when from the evidence of M.W. I it

transpires clearly that there was no sanctioned post of typist there. Question comes into answer this reference which fact the Tribunal will rely. If the office order marked as Exht. W. 1 and W-3 are taken into consideration then in that case conclusion to be drawn to the effect that M.W.I who is Survey Officer posted at Survey Office deposed falsely before this Tribunal and vice versa. Considering the evidence of M.W.I. I have failed to find out any material relying on which there is scope to say that being a responsible officer of Survey Office he deposed falsely before this Tribunal. This witness during his evidence did not deny about posting of the concerned worked at Survey Office but he categorically submitted that as General Mazdoor the concerned workman was posted there and discharged all his duties in that capacity. He submitted categorically that as the concerned workman had typing knowledge occasionally he used to type some paper on request. Typing occasionally at the request of the officers does not justify that he was posted there as typist (T). Onus is on the concerned workman to establish that regularly he used to discharge his duties as typist at Survey office.

As per office order his regularisation in the post of typist would be considered on passing trade test successfully after completion of one year training as typist. Claim of the concerned workman relies on fulfilment of the condition given in the office order. Therefore, onus is on him to establish that after completion of training period he appeared in the Trade test for the typists and after passing the said trade test management refused to regularise him as typist-cum-clerk in Grade III. From his evidence I do not find any whisper to this effect. As his regularisation in the post of typist-cum-clerk was preconditional his claim bears no effective value in absence of fulfilment of the conditions. Excepting office order (Exh. W-1) the concerned workman in course of hearing has failed to produce any iota of evidence to show that he discharged his duties as typist (T) and passed Trade test on completion of his one year training.

In view of the facts and circumstances discussed above I hold that the concerned workman just based on a questionable office order Exht. W-1 is not entitled to get any relief in view of his prayer.

In the result the following award is rendered :

"That the action of the management of P.B. Area of M/s. BCCL in not regularising Sri Baleswar Paswan as Typist-cum-Clerk and denial of payment of difference of wages is justified? Consequently the concerned workman is not entitled to get any relief."

B. BISWAS, Presiding Officer

नई दिल्ली, 25 जुलाई, 2005

**का. आ. 2956.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद II के पंचाट (संदर्भ संख्या 16/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2005 को प्राप्त हुआ था।

[ सं. एल-20012/374/94-आई आर(सी-1) ]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 25th July, 2005

**S.O. 2956.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 16/95) of the Central Government Industrial Tribunal/Labour Court, Dhanbad II now as shown in the Annexure, in the Industrial Dispute between the Employers in relation to the management of BCCL and their workman, which was received by the Central Government on 22-07-05.

[No. L-20012/374/94-IR(C-I)]

S. S. GUPTA, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

#### PRESENT :

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section  
10(1)(d) of the I.D. Act., 1947

Reference No. 16 of 1995

#### PARTIES :

Employers in relation to the management of Moonidih Colliery of M/s. BCCL and their workman.

#### APPEARANCES :

On behalf of the workman : Mr. K. Chakravorty,  
Ld. Advocate.

On behalf of the employer : Mr H. Nath, Ld.  
Advocate.

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 7th July, 2005

#### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(374)/94-IR(Coal-1) dated the 8th February, 1995.

#### SCHEDULE

“Whether the action of the management of Moonidih Colliery of M/s. BCCL in imposing penalty

of dismissal which was subsequently reduced to demotion to a lower grade and thereby reverting Shri K. K. Prasad as Asstt. Store Keeper, w.e.f. 7-5-92 is justified? If not to entitled and from which date?”

2. The case of the concerned workman according to written statement submitted by the sponsoring union on his behalf in brief is as follows :

The sponsoring union submitted that the concerned workman was a permanent Store Keeper at Moonidih Store under the management. They submitted that management with ulterior motive to victimise the concerned workman issued a false and frivolous charge sheet to him dt. 23/25-7-96 for alleged shortage of cement and for set bags. Simultaneously he was also suspended from service w.e.f. 1-1-90. On receipt of the said charge sheet he submitted his reply denying all the charges of misconduct brought against him and also placed his demand for verification of stock. They submitted that on the basis of that representation by the concerned workman under direction of Addl. General Manager a Departmental Verification Committee was constituted to find out the truth and the said Committee after proper verification found no discrepancy in the stock of cement. But in spite of the report of the verification Committee the Disciplinary Authority initiated domestic enquiry against him and on the basis of the report of the Enquiry Officer they dismissed him from service illegally, arbitrarily and violating the principle of natural justice w.e.f. 3-7-91.

Against that order of dismissal he submitted representation to the Director (Personnel) for verification of cement stock and accordingly direction was given to the Audit team for verification of the same. The Audit team thereafter verified the stock but did not find any discrepancy and for which they issued “no shortage certificate”. They submitted that in view of Audit report the Disciplinary Authority though withdrew the order of dismissal allowed him to reinstate in service as Assistant Store Keeper w.e.f. 7-5-92 without assigning any reason why he was not to be reinstated in service to his original post as Store Keeper. They alleged that the said action of the management was not only illegal but also arbitrary and against the principle of natural justice.

They submitted that as the management in spite of receiving several representations from the concerned workman did not consider necessary to lift that order of demotion he raised an Industrial Dispute before ALC(C), Dhanbad for conciliation which ultimately resulted reference to this Tribunal for adjudication.

The sponsoring union on behalf of the concerned workman accordingly submitted prayer to pass award directing the management to withdraw the illegal and arbitrary demotion order and to reinstate him as Store Keeper from the date of order of demotion with back wages and other consequential relieves.

They alleged that Disciplinary authority issued a charge sheet on 23/25-7-90 to the concerned workman with the charges of committing fraud and dishonesty in connection with Company's business and serious negligence of work causing wilful damages to the Company's property while he was posted as Store Keeper at Moonidih Colliery. They submitted that on receipt of the said charge sheet he submitted his reply on 2-8-90 but as the reply given by him was not satisfactory, the Disciplinary Authority decided to hold domestic enquiry against him and appointed.

Mr. P. Maharaj Dy. Personnel Manager as Enquiry Officer. They further submitted that in course of hearing of the enquiry proceeding the concerned workman fully participated and defended his case. After completion of the hearing of the enquiry proceedings the said Enquiry Officer submitted his report holding the concerned workman guilty to the charges brought against him. They disclosed that considering the Enquiry report and other materials on record the General Manager approved dismissal of the concerned workman from service and accordingly, he was dismissed from service vide Letter No. MND/GM(Engg.)/PER/39/91/14703 dt. 2-7-91.

They submitted that the said order of dismissal from service he made an appeal dt. 30-4-92 before the Chief General Manager, Moonidih Area and the said Chief General Manager vide letter No. MND/CGM/PER/15/92/10926-32 dated 6-5-92 allowed the appeal and issued an order of demotion to lower grade instead of the order of dismissal. Accordingly, he was allowed to join his duty as Asstt. Store Keeper.

They submitted that the against concerned workman was rightly punished on charges of fraud and dishonestly in connection with Company's business and serious negligence of work causes wilful damaged to the Company's property. They submitted that the Enquiry Officer conducted domestic enquiry against him fairly, properly and in accordance with the principle of natural justice and full opportunity was given to him to defend his case. They submitted that in spite of committing serious misconduct as part of punishment he was demoted to lower grade and that order of demotion was absolutely justified. Accordingly they submitted prayer to pass award rejecting the claim of the concerned workman.

### 3. Points to be decided

Whether the action of the management of Moonidih Colliery of M/s. BCCL in imposing penalty of dismissal which was subsequently reduced to demotion to a lower grade and thereby reverting Shri K. K. Prasad as Asstt. Store Keeper, w.e.f. 7-5-92 is justified? If not, to what relief Shri K. K. Prasad is entitled and from which date?

### 4. Finding with reasons

It transpires from the record that before taking up hearing of this case on merit it was taken into consideration

if domestic enquiry held against the concerned workman as per order of the Disciplinary Authority was fair, proper and in accordance with the principle of natural justice. The said issue on preliminary point was disposed of vide order No. 63 dt. 12-12-03 against the management and accordingly, opportunity was given to adduce evidence on merit with a view to substantiate the charge brought against the concerned workman.

Now the point for consideration is whether the management have been able to substantiate the charge brought against the concerned workman and if so, whether there is any scope to review the order of punishment U/s/ II-A of the Industrial Dispute Act.

There is no dispute to hold that the concerned workman was Store Keeper at Moonidih Colliery. It is admitted fact that management issued a charge sheet against the concerned workman dt. 23/25-7-90 with the allegation of committing misconduct. It is also admitted fact that concerned workman submitted his reply to the charge sheet. Contention of the concerned workman is that the allegation of misconduct brought against him was not only false and frivolous but also with ill motivated. It is seen that as the reply given by the concerned workman was not satisfactory they initiated a domestic enquiry against him and accordingly, appointed Mr. P. Maharajas Enquiry Officer to hold domestic enquiry against him. The allegation against the concerned workman was that he in discharge of his official duty committed fraud and dishonesty in connection with Company's business. Further charge against him was that for his serious negligence of work he caused wilful damage to Company's property.

It is seen from the written statement of the management that relying on the enquiry report the Disciplinary Authority dismissed him from service by letter dt. 2-7-91. However, his said order of dismissal from service was reviewed as he preferred an appeal and after review his order of dismissal was recalled and instead order was issued in the matter of his demotion to lower grade.

It is really shocking to note that in spite of getting plenty of opportunity the management neither could be able to adduce evidence of the enquiry officer nor they could establish the material documents to substantiate their claim in support of the charges brought against him. Even they did not consider necessary to produce the charge sheet before this Tribunal in course of hearing.

Initial onus was absolutely on the management to establish that domestic enquiry held against the concerned workman was fair, proper and in accordance with the principle of natural justice but in spite of getting ample opportunity they have failed to substantiate the same. Accordingly, opportunity was given to them to establish the charge brought against the concerned workman on merit as because of the fact that on the basis of the said

charge and relying on the report of the enquiry officer he was dismissed from his service. Management in course of hearing the case on merit have failed to produce the enquiry report. Even they have failed to produce any paper to show on the basis of which material the Disciplinary Authority dismissed him from service. They also did not consider necessary to produce his order of dismissal from service. It is the contention of the management that as the concerned workman preferred appeal against that order of dismissal the Appellate Authority reviewed that order and instead of upholding that order of dismissal issued order of demotion to lower grade against him. It is really amazing to note that management also have failed to produce that finding of the Appellate Authority. Question of imposition of punishment rests on establishment of the charge brought against the delinquent. Therefore onus absolutely rests on the management to establish that the charge of committing serious misconduct which was brought against the concerned workman had been established beyond all reasonable doubt. From the very beginning the concerned workman categorically denied the charge brought against him and to that effect he submitted his reply in writing. Therefore, they can not exonerate their responsibility to establish why the reply given by the concerned workman could not be accepted. They also can not deny their responsibility to establish on the basis of which material facts the allegation of committing Misconduct as ventilated in the charge sheet was established. Question of imposing punishment as very much related to proof of charge there is little scope to accept the finding of the Disciplinary Authority as gospel truth exonerating them to establish on the basis of which material fact they arrived into such decision. It is seen that in spite of giving plenty of opportunity management have lamentably failed to establish the charge brought against the concerned workman.

It is to be borne into mind that facts disclosed in the written statement submitted by the management can not be considered as substantive piece of evidence to uphold their contention until and unless the same are substantiated by material evidence. Record shows clearly that management have finished their responsibility by filing their written statement. In spite of getting ample opportunity they did not consider necessary to produce material evidence to substantiate the charge brought against the concerned workman and for which there is little scope to uphold their contention that as punishment order of demotion issued against the concerned workman was justified.

In view of the facts and circumstances discussed above I find no other way but to hold that management have lamentably failed to establish the charge brought against the concerned workman and as such order of punishment issued against him is liable to set aside.

This is not a case of dismissal or retrenchment of the concerned workman from service and for with there is

no scope for review of the order U/s II-A of the I.D. Act. In the result the following award is rendered :

"That the action of the management of Moonidih Colliery of M/s BCCL in imposing penalty of dismissal which was subsequently reduced to demotion to a lower grade and thereby reverting Shri K. K. Prasad as Asstt. Store Keeper w.e.f. 7-5-92 was not justified.

Order of demotion to lower grade passed by the management against K. K. Prasad w.e.f. 7-5-92 is hereby set aside. Management accordingly is directed to reinstate the concerned workman to his original post w.e.f. 7-5-92 with full back wages and other consequential relieves within three months from the date of publication of this award in the Gazette of India."

B. BISWAS, Presiding Officer

नई दिल्ली, 25 जुलाई, 2005

का. आ. 2957.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-2 के पंचाट (संदर्भ संख्या 152/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-07-2005 को प्राप्त हुआ था।

[ सं. एल-20012/334/98-आई आर (सी-1) ]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 25th July, 2005

S.O. 2957.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 152/99) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II now as shown in the Annexure, in the Industrial Dispute between the Employers in relation to the management of BCCL and their workman, which was received by the Central Government on 22-07-05.

[No. L-20012/334/98-IR(C-I)]

S. S. GUPTA, Under Secy.

• ANNEXURE  
•  
**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL (NO. 2)  
AT DHANBAD**

**PRESENT :**

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947

**Reference No. 152 of 1999**

**PARTIES :**

Employers in relation to the management of Jogidih Colliery under Gobindpur Area No. III of M/s BCCL and their workman.

**APPEARANCES :**

On behalf of the workman : Mr. B. N. Singh,  
Ld. Advocate.

On behalf of the employer : Mr. D. K. Verma,  
Ld. Advocate.

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 6th July, 2005

**AWARD**

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/(334)/98-IR(C-II) dated the 22nd February, 1999.

**SCHEDULE**

“Whether the action of the management of Govindpur Area No. III of M/s BCCL in denying to treat the date of Birth as 1-1-1945 of Shri Rajbali Singh No. I Night Guard is justified? If not, what relief is the concerned workman entitled to?”

2. The case of the concerned workman according to written statement submitted by the sponsoring union on his behalf is as follows :

They submitted that the concerned workman was initially appointed as Night Guard at Jogidih Colliery on 10-11-72 under Govindpur Area No. III and at that time his date of birth in the Form-B Register was recorded as 1-1-45 alongwith his other particulars. They submitted that in the year 1987 management issued service excerpts to the concerned workman wherein his age was recorded as 30 years as on 1-1-75 which confirms his actual date of birth as 1-1-45. they disclosed that in the year 1993 management issued computerised Identity card in the name of the concerned workman whereas also his date of birth was recorded as 1-1-45 which was his date of birth recorded in the form-B Register at the time of his appointment. They alleged that during the middle of 1996 the office staff of Jogidih Colliery started creating pressure on him to accept his age as 30 years as on 1972 and under such pressure he was compelled to put his signature/LTI in the prescribed records accepting his that age as on 1972. Thereafter he raised his strong protest and submitted representation to management for accepting his date of birth as 1-1-1945 as on the date of his appointment but as the management refused to consider his prayer he raised an Industrial Dispute before ALC(C) Dhanbad for conciliation which ultimately resulted reference to this Tribunal for adjudication.

Accordingly, sponsoring union on behalf of the concerned workman submitted prayer to pass award directing the management to accept his date of birth as 1-1-45 and to superannuate him accordingly.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations of the sponsoring union which they asserted in the written statement submitted on behalf of the concerned workman.

They submitted that the concerned workman got his employment under the management on 12-10-72 and at that time his age was recorded as 30 years in the Form-B Register. Accordingly, his date of birth is to be considered as 12-10-42. They submitted that as per the provision of Certified Standing Order the date of birth is to be considered as 1-7-42 of the year if in stead of actual date of birth his age is recorded in the Form-B Register. In this situation as per provision of the Certified Standing Order his date of birth had been considered as 1-7-42 for the purpose of his superannuation.

They alleged that the concerned workman managed to get his service excerpt manipulated somehow at the time of its issuance and got the date of appointment changed from 12-10-72 to 10-12-72 and put 1-1-75 after 30 years, recorded against the column “Date of birth”. They further alleged that on the basis of such manipulation be started creating pressure for correction of his date of birth as 1-1-45 in the Form-B Register which could not be acceded to. They alleged that there is no genuine ground on the part of the concerned workman for changing his date of birth and for which they submitted their prayer to pass award rejecting his claim.

**4. POINTS TO BE DECIDED**

“Whether the action of the management of Govindpur Area No. III of M/s BCCL in denying to treat the date of Birth as 1-1-1945 of Shri Rajbali Singh No. I Night Guard is justified? If not, what relief is the concerned workman entitled to?”

**5. FINDING WITH REASONS**

It transpires from the record that the sponsoring union with a view to substantiate the claim of the concerned workman examined him as WW1. Management also in support of their claim examined one witness as MW1. Considering the materials on record and also considering evidence of both sides there is no dispute to hold that the concerned workman got his appointment as Night Guard on 12-10-1972 WW1 during his evidence disclose that at the time of his appointment management in all records including Form-B register recorded his age as 30 years as on 1-1-1975. He disclosed that in the year 1987 he received service excerpt from the management wherein also his age was recorded as 30 years as on 1-1-1975. In the computerised Identity Card issued by the management the same date of birth was recorded.

On the contrary MW1 relying on Form-B Register categorically denied the claim of the sponsoring union. This witness during his evidence disclosed that name of



the concerned workman in the Form-B Register was recorded in Sl. No. 35. According to the register date of appointment of the concerned workman was recorded as 12-10-1972 and age was recorded as 30 years. This witness further disclosed that the concerned workman also signed respective column of the Form-B register accepting correctness of entries recorded therein. The Form B register during his evidence was marked as Exht. M-1 while signature of the concerned workman was marked as Exht. M-1/I. the concerned workman during hearing did not deny his signature appearing in the Form-B register. It is the contention of the sponsoring union that in the service excerpt age of the concerned workman was recorded as 30 years as on 1-1-1975. However, he did not raise any dispute relating to his date of joining. It is the contention of the management that the concerned workman by way of manipulation wrote 1-1-1975 in the column of age and thereby created pressure that his age was 30 years as on 1-1-1975 and based on this fact it has been alleged by the sponsoring union that management illegally superannuated him long before his due date of superannuation. Considering the service excerpt I find no dispute to hold that date 1-1-1975 has been clearly inserted in the column of date of birth. The concerned workman during his evidence admitted at the time of his entry in service management in all records his age was recorded as 30 years as on 1-1-1975. When the concerned workman joined on 12-10-72 as per Form-B register what occasion arose to record his age as 30 years as on 1-1-1975. If for arguments sake it is taken into consideration that his age was 30 years as on 1-1-1975 in that case his age would be 33 years when he joined on 12-10-1972. It is seem that without considering this aspect the sponsoring union started raising their voice that age of the concerned workman as 30 years as on 1-1-1975 his date of superannuation would be in the year 2005. It is really ridiculous to say that the sponsoring union omitted to consider that date of appointment of the concerned workman was 12-10-1972 and not 1-1-1975.

Accordingly, after careful consideration of all the facts and circumstances I hold that the claim of the sponsoring union is absolutely base less and can not be acceded to at any circumstances.

In the result the following award is rendered :

"That the action of the management of Govindpur Area No. III of M/s BCCL in denying to treat the date of Birth as 1-1-1945 of Shri Rajbali Singh No. I, Night Guard is justified.

Consequently the concerned workman is not entitled to get any relief."

B. BISWAS, Presiding Officer

नई दिल्ली, 25 जुलाई, 2005

का. आ. 2958.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि.

के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 287/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-07-2005 को प्राप्त हुआ था।

[ सं. एल-20012/412/01-आई आर (सी-1) ]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 25th July, 2005

S.O. 2958.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 287/2001) of the Central Government Industrial Tribunal/Labour Court, Dhanbad II now as shown in the Annexure, in the Industrial Dispute between the Employers in relation to the management of BCCL and their workman, which was received by the Central Government on 22-07-05.

[No. L-20012/412/01-IR(C-I)]

S. S. GUPTA, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

#### PRESENT :

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section  
10(1)(d) of the I.D. Act, 1947

Reference No. 287 of 2001

#### Parties :

Employers in relation to the management of the Jayrampur Colliery, Lodna Area of M/s BCCL and their workman.

#### APPEARANCES :

On behalf of the workman : Mr. U. Anisari,  
Representative of the  
workman.

On behalf of the employers: Mr. D. K. Verma, Ld.  
Advocate.

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 1st July, 2005

#### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/412/2001-IR(C-I) dated 29-10-2001.

#### SCHEDULE

"Whether the stand of the management of Jayrampur Colliery BCCL in dismissing Sri Anil Munda is

justified? If not, to what relief is the workman entitled?"

2. The case of the concerned workman according to written statement submitted by the sponsoring union on his behalf in brief is as follows :

The sponsoring union submitted that the concerned workman was an employee of Jayarampur Colliery under Lodna Area. They disclosed that in response to introduction of "Golden Hand Shake" a Voluntary Retirement Scheme the concerned workman submitted an application for V.R. on 1-2-1996. They submitted that being assured by the management about acceptance of his resignation under VRS the concerned workman left for his native village on 8-2-96. As he was pre-occupied with domestic problems he could not enquire the fate of his application which he submitted under VRS on the contrary all of a sudden he received his order of dismissal from service w.e.f. 8-5-2000 from the management through post.

They submitted that concerned workman was no longer interested in the employment under the management but what he simply expected was that he will get payment as compensation on acceptance of his V.R. They disclosed that unfortunate episode of his long absence from duty w.e.f. 8-2-1996 was nothing but an example of a mistake of his innocent mind. They submitted categorically that concerned workman did not commit any misconduct by which the interest of the Company could be hampered.

They alleged that instead of acceptance of V.R. issuance of order of dismissal from service by the management was not only illegal but also arbitrary and it violated the principle of natural justice. Accordingly, his sponsoring union submitted their prayer to pass award directing the management to reinstate the concerned workman to his service w.e.f. 8-2-96 with full back wages and other consequential reliefs.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement submitted on behalf of the concerned workman.

They disclosed that the concerned workman was appointed as a casual Wagon Loader in 1973 at Jeenagora Colliery and thereafter was transferred to South Tisra Colliery in the year 1979 as casual Wagon Loader. In the year 1992 he was transferred from South Tisra Colliery to Jairampur Colliery as Miner/Loader.

They submitted that the concerned workman was dismissed from service in the year 1983 for his unauthorised absence. However, on appeal made by Janta Mazdoor Sangh the said dispute was settled and he was allowed to resume his duty w.e.f. 4-5-91. He was transferred to Jairampur Colliery from South Tisra Colliery in the year 1992 but as his performance was not improved,

management on the allegation of committing misconduct issued number of chargesheet to him. He was released on two occasions by giving 'Warning' and on one occasion he was demoted to Badli Miner/Loader as part of punishment.

Again he went on unauthorised leave without giving any information or taking prior permission from the management w.e.f. 8-2-96. As a result they issued charge sheet to him vide charge sheet No. 1567 dt. 20-11-99 for committing misconduct on the ground of absentism.

Thereafter, the Disciplinary Authority decided to hold domestic enquiry against him and appointed Enquiry Officer. The said Enquiry Officer issued notices to the workman for causing his appearance at the time of hearing of the enquiry proceeding but he did not turn up and for which the said Enquiry Officer conducted the said enquiry exparte and submitted his report holding him guilty to the charge brought against him. Relying on the report of the Enquiry Officer, the Disciplinary Authority issued second show cause notice to him but he did not consider necessary to submit any reply.

Thereafter, the Disciplinary Authority considering enquiry report and also considering all material aspects dismissed him from service. They submitted that the said order of dismissal was legal and valid and as such there is no ground to say that the said order violated the principle of natural justice.

In the circumstances, management submitted prayer to pass award rejecting the claim of the concerned workman.

#### 4. Points to be decided.

"Whether the stand of the management of Jayarampur Colliery BCCL in dismissing Sri Anil Munda is justified? If not, to what relief is the workman entitled?"

#### 5. Finding with reasons.

It transpires from the record that before taking up hearing of this case on merit it was taken into consideration if domestic enquiry held against the concerned workman was fair, proper and in accordance with the principle of natural justice. The said issue on preliminary point was disposed of vide Order No. 6 dt. 7-11-2003 in favour of the management.

Now the point for consideration is if that management have been able to substantiate the charge brought against the concerned workman and if so, whether the order of dismissal from service passed by the management against the concerned workman can be reviewed U/s II-A of the Industrial Dispute Act.

During evidence of MW1 the charge sheet issued to the concerned workman was marked as Exht. M1. As per charge sheet the specific allegation of the management is that the concerned workman without



giving any intimation or taking permission from the management started remaining himself absent from duty from 8-2-96. The charge sheet was issued on 20-11-99 i.e. from 8-2-96 to 20-11-99, i.e. more than three and half years he remained himself absent from duty without taking prior permission or giving any intimation to the management. It is further allegation of the management that the concerned workman was in the habit of remaining himself absent from duty without intimation to the management and for which on repeated occasions he was charge sheeted. In support of this claim they submitted that for his remaining unauthorised absent from duty from 13-4-93 to 12-6-93, 27-9-93 to 31-1-94 and 22-12-94 to 13-4-95 three charge sheets were issued to him but instead of imposing major punishment he was released on giving due warning to him. On one occasion he was demoted to Badli Miner/Loader. They submitted that such light punishments were giving to him consecutively with a view to give him opportunity to mend his habit but ignoring the opportunity giving to him he preferred to maintain the same habit.

On the contrary from the contention of the sponsoring union it appears that in response to introduction of "Golden Hand Shake"—a Voluntary Retirement Scheme the concerned workman submitted application on 1-2-96 for his voluntary retirement from service. They further submitted that on getting assurance from the management about consideration of his application he left the place of work on 8-2-96 and went to his native village. Thereafter as he remained busy with domestic problems he could not get scope to make any enquiry if his application for Voluntary Retirement was accepted by the management.

Now considering submission of both sides there is no dispute to hold that the concerned workman started remaining himself absent from duty w.e.f. 8-2-96. Onus in the circumstances rest on the concerned workman to establish that he actually submitted his application for acceptance of his Voluntary Retirement. In spite of getting scope the sponsoring union has failed to establish such claim. Moreover, it is general principle of law that until & unless the resignation is accepted a workman is to be considered as an employee of that organisation. Therefore, legally he was not entitled to leave the place of his work without giving any intimation or taking any permission from the management. Moreover, it is unbelievable to think that a workman will sit idle for more than three and half years without making any query if his application for Voluntary Retirement was accepted by the management or not. Therefore, the plea taken by the concerned workman is not at all tenable in the eye of law.

The enquiry report (marked as Exht. M-2) has exposed clearly that the concerned workman was a habitual absentee and during 1994 & 1995 he attended to his duty for 70 days & 54 days while upto Feb. '95 he performed his duty for 31 days. Considering all aspects

carefully there is no dispute to hold that management have been able to substantiate the charge which was brought against the concerned workman under clause 26:1:1 of the Certified Standing Order.

It is seen that the Disciplinary Authority considering Enquiry Report submitted by the Enquiry Officer and also considering all aspects dismissed the concerned workman from service. The said order of dismissal during evidence was marked as Exht. M-3.

Now the point for consideration is if there is any scope to review the said order of dismissal relying on the provision as laid down U/s II-A of the I.D. Act. Sec. II A of the I.D. Act speaks as follows :

"Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require."

Therefore, according to this provision it is to be looked into if the said order of dismissal issued by the Disciplinary Authority was justified and proportionate to the misconduct committed by the concerned workman.

From the charge sheet issued to the concerned workman it has been exposed clearly that from 8-2-96 he remained absent from duty without giving any intimation or taking permission from the authority for more than three and half years. It further transpires that on the ground of unauthorised absence previous to this incident he was chargesheeted on three occasions. The charge sheet marked as Exht. M-5 and M-5/1 supported the claim of the management. It further transpires that for committing misconduct on the ground of absenteeism he was dismissed from service with effect from 16-1-93. However, he was reinstated in service on the basis of settlement entered into between the management and the concerned workman at the intervention of the union. The document marked as Exht. M-9 will support this claim. After reinstatement in service he did not mend his habit and again started remaining himself absent from duty unauthorisedly. In spite of committing repeated misconduct the management instead of imposing major punishment on two occasions released him on giving due warning and on one occasion he was demoted as Badli Miner/Loader. The office order marked as Exht. M-6 has supported this claim of the management. Therefore, considering

all these documents as mentioned above it is clear that the concerned workman did not consider necessary to maintain minimum discipline at the place of his work. His whimsical acts finds no explanation and as of right. Probably he considered that he could utilise the place of work without showing minimum obligation to maintain the discipline there. The ground relating to his such long unauthorised absence which he has given in his written statement is far from satisfactory as in spite of giving sufficient opportunity he failed to substantiate such claim. On the contrary it is seen that management gave him ample opportunity to mend his habit but he misused the same grossly probably considering that he accused his right to attend his duty as of his choice.

Accordingly, after careful consideration of all the facts and circumstances I find no hesitation to say that the management was justified in passing the order of dismissal against the concerned workman. I am also satisfied that the punishment which was imposed on the concerned workman by the management was absolutely proportionate to the misconduct committed by him and for which he is not entitled to get any relief.

In the result the following award is rendered :

“That the stand of the management of Jayrampur Colliery, BCCL in dismissing Sri Anil Munda is justified. Consequently the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 25 जुलाई, 2005

का. आ. 2959.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार शिव शम्भू हार्ड कोक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 92/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-07-2005 को प्राप्त हुआ था।

[सं. एल-20012/19/98-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 25th July, 2005

S.O. 2959.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 92/99) of the Central Government Industrial Tribunal/Labour Court, Dhanbad II now as shown in the Annexure, in the Industrial Dispute between the Employers in relation to the management of Shiv Shambu Hard Coke and their workman, which was received by the Central Government on 22-07-05.

[No. L-20012/19/98-IR(C-I)]

S. S. GUPTA, Under Secy.

## ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

#### PRESENT :

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947

Reference No. 92 of 1999

#### PARTIES :

Employers in relation to the management of M/s Shiv Shambu Hard Coke Govindpur, Dhanbad and their workman.

#### APPEARANCES :

On behalf of the workman : Mr. S. Singh,  
Ld. Advocate.

On behalf of the employer : Mr. D.K. Verma, Ld.  
Advocate.

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 7th July, 2005

#### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/19/98-IR. (Coal-I), dated the 29th January, 1999.

#### SCHEDULE

“Whether the demand of the workman Sri Nepal Prasad Shaw for providing him light job as Munshi or Chaprasi during day time till such time his fractured right hand is fully cured against the management of Shri Shambu Hard Coke is justified? If so, to what relief is the workman entitled?”

2. The case of the concerned workman according to written statement submitted by his brief is as follows :

The concerned workman submitted that he was appointed as a Fireman by the management at Shiv Shambu Hard Coke at Panchrukhi, Govindpur. He submitted that on 6-9-96 while he was on night shift duty at about 3 a.m. he met with serious accident as a result of which his right hand was seriously fractured. After that accident he was taken to Doctor Saha's Clinic for his treatment and he remained under treatment there till 28-10-96 but as no improvement was found he remained under treatment of the Doctor of Popular Narsing Home. However, in spite of his remaining under treatment there he was not cured fully.

He alleged that since the date of his accident neither paid him any wages/allowances nor gave him any financial help. He accordingly requested the management to provide him any light job and also to pay him compensation for the loss of his earning capacity as a result of the said accident to save his family but the management did not consider his prayer. Even they did not pay any medical expenses incurred for his treatment.

As a result he raised an Industrial Dispute before ALC (C), Dhanbad for conciliation which ultimately resulted reference to this Tribunal for adjudication.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the concerned workman asserted in his written statement.

They submitted that Shiv Shambu Hard Coke Govindpur is a Factory which comes under the definition of the Factories Act. The Chief Inspector of Factories granted licence to the management for running the said factory. They submitted that the Employees' State Insurance Act is applicable in the Establishment of the Management. They further submitted that appropriate Government for the establishment of the management is a State Government and for which Central Government has got no jurisdiction to refer the Industrial Dispute for adjudication. They disclosed that the concerned workman was a member of E.S.I. and he is entitled to get all medical benefits from there. They further submitted that there is no provision for providing him light duty and for which they failed to provide him light duty.

In view of the facts and circumstances management submitted that the concerned workman is not entitled to get any relief in view of his prayer.

#### 4. POINTS TO BE DECIDED

"Whether the demand of the workman Sri Nepal Prasad Shaw for providing him light job as Munshi or Chaprasi during day time till such time his fractured right hand is fully cured against the management of Shiv Shambu Hard Coke is justified? If so, to what relief is the workman entitled?"

#### 5. FINDING WITH REASONS

It transpires from the record that in spite of giving sufficient opportunity the concerned workman who raised this Industrial Dispute as per reference neither appeared nor considered necessary to adduce evidence with a view to substantiate his claim. Management also declined to adduce any evidence disclosing the fact that the instant reference is not maintainable in the eye of law as the dispute in question does not come within the provisions as laid down within 2nd & 3rd Schedule as per Sec. 7A of the Industrial Dispute Act. Considering the written statement of both sides there is no dispute to hold that concerned workman was a 'Fireman' at Shiv Shambu Hard Coke at Panchrukhi, Govindpur. It is seen that the concerned workman met an accident on 6-9-96 while he was on duty and for which he sustained fracture in his

right hand. After that accident he remained under treatment of the Doctors of Private Nursing Home. It is the contention of the concerned workman that in spite of his treatment he was not cured fully and for which he made representation to his management for providing him with light job but his prayer was turned down. He also alleged that management also refused to pay him compensation for the loss of his earning for the said accident as well as medical expenses for his treatment.

On the contrary it has been specifically asserted by the management that Shiv Shambu Hard Coke, Govindpur is a factory under the Factories Act and the said factory is in operation in view of licence issued by the Chief Inspector of Factories. They submitted that the appropriate Government for the Establishment of the management is State Government and not Central Government. They further disclosed that the concerned workman is a member of E.S.I. and accordingly, he is entitled to meet his medical expenses from E.S.I. Moreover, workmen's Compensation Commissioner is the competent authority to consider the compensation which the concerned workman has claimed. They disclosed that instead of placing such claim before the Workmen's Compensation Commissioner he has raised this Industrial Dispute which is not maintainable in the eye of law.

Before taking into consideration of the prayer of the concerned workman onus on him to establish that Shiv Shambu Hard Coke is a Central Government Organisation and Central Government is the appropriate Government under Section 2 of the Industrial Dispute Act. Until & unless this fact is established by the concerned workman there is no scope at all for application of Second and Third Schedule to adjudicate the dispute, in question.

It is the specific claim of the management that Shiv Shambu Hard Coke is factory which is running under licence issued by the Chief Inspector of Factories. The concerned workman is a member of E.S.I. and also come under the jurisdiction of workmen's Compensation Commissioner to claim compensation, if any. When the concerned workman is very much entitled to get his relief from the office of E.S.I. and Workmen's Compensation Commissioner this Tribunal has no manner of jurisdiction to consider his claim.

In spite of all these facts the concerned workman get ample opportunity to establish his claim but he did not consider necessary to do so.

After careful consideration of all the facts and circumstances, and also considering submission of the Ld. Advocate for the management, I find no dispute to hold that this Tribunal has no jurisdiction to entertain the reference in question as it is not maintainable in the eyes of law.

In the result the instant reference case is disposed of as it is not maintainable in the eye of law for lacking of jurisdiction by this Tribunal to answer the reference, in question.

B. BISWAS, Presiding Officer

नई दिल्ली, 25 जुलाई 2005

का.आ. 2960.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या 8/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-7-2005 को प्राप्त हुआ था।

[सं. एल-12012/145/2000-आईआर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 25th July, 2005

S.O. 2960.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 8/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the annexure in the Industrial Dispute between the management of Syndicate Bank and their workmen, which was received by the Central Government on 21-7-2005.

[No. L-12012/145/2000-IR (B-II)]

C. GANGADHARAN, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 6th July, 2005

#### PRESENT:

SHRI A.R. SIDDIQUI, Presiding Officer

C.R. No. 8/01

#### I PARTY

Shri B.R. Ramaswamy,  
S/o Shri B.K. Rangappa,  
Agrahara Colony,  
Banavara,  
Karnataka

#### II PARTY

The General Manager (P)  
Syndicate Bank,  
Head Office,  
P.B. No. 1,  
Manipal, Karnataka

#### AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order. No. L-12012/145/2000/IR (B-II) dated 30th January, 2001 for adjudication on the following schedule :

#### SCHEDULE

"Whether M/s. Syndicate Bank is justified in terminating the services of Shri B.R. Ramaswamy, former Attender, at the Kolagunda Branch? If not, to what relief the workman is entitled to?"

2. The case of the first party workman in his Claim Statement, as far as, merit is concerned (pleadings with regard to fairness and validity of the enquiry or otherwise are omitted as finding on Domestic Enquiry issue is

separately given) is that he was appointed as a sub staff (Attender) on 15-1-85 and was confirmed later on; that the Disciplinary Proceedings came to be initiated against him vide charge sheet-cum-suspension order dated 20th January, 1988 on the allegations that while working as a Attender at Kolagunda Branch during the year 1992 he did not remit to the Bank a sum of Rs. 1750/- allegedly handed over to him on 13-5-97 by one Shri V. Raghu, a customer of the said branch for credit on his Savings Bank Account No. 1313 and that he did not maintain sufficient balance in his Savings Bank Account No. 1077 while issuing 5 cheques and thereby, he misappropriated the above said amount of Rs. 1750/- and violated the guidelines issued by the Bank in not maintaining the sufficient balance amount and hence committed gross misconduct under Clause 19.5(f) of the Bipartite Settlement; that the charges levelled against him were false and motivated and as far as Second Charge of not maintaining sufficient balance in Savings Bank Account to honour 5 cheques issued by him is concerned, it does not even constitute a misconduct. Further, even if it is taken for granted that he has violated the guidelines issued by the Bank is not maintaining sufficient balance in his account then at the most such a violation would amount to minor misconduct inviting stoppage of increment for a period not longer than six months. Therefore, the action of the management in dismissing the first party workman would reflect upon the fact that the management was pre-determined to dismiss him from service even before conducting the enquiry proceedings; that the first party belongs to Schedule Caste he could not submit his defence statement in reply to the charge sheet within 15 days period prescribed for the same as Shri D.S. Veeraiah, the President of the Association for which he was member, was away from headquarters; that in response to the enquiry findings holding him guilty of the charges and the proposed punishment of dismissal, he appeared before the Disciplinary Authority on 10-6-98 and challenged the fairness of enquiry proceedings. Thereupon the Disciplinary Authority ordered reopening of the enquiry by appointing fresh Enquiry Officer by name Shri S. Mohanty; that in the earlier enquiry proceedings the complainant, Shri V. Raghu had been examined as MW1 but he was not produced for his cross-examination when enquiry was reopened. However, his complaint dated 30-9-97 and his alleged statement dated 4-11-97 made before the Investigation Officer, MW4 was relied upon by the Enquiry Officer in holding the workman guilty of the charges; that though MW4 was examined as an Investigation Officer, Investigation Report as such was not made available to the first party for effective cross examination of MW4; that the enquiry officer in the later enquiry proceedings also submitted his findings holding the workman guilty of the charges, the Disciplinary Authority while accepting the same, proposed the penalty of dismissal without considering the various submissions made by the first party in challenging the enquiry proceedings as well as the enquiry findings. The submission made by him during the course of personal hearing before

the Disciplinary Authority were also rejected and he was imposed with the punishment of dismissal. His appeal against the dismissal order was also dismissed; that the entire proceedings taken against the first party commencing from the date of charge sheet are high handed, arbitrary, unfair, unjust and contrary to the binding awards and settlement amounting to a case of victimization. Therefore, the dismissal order passed against him is liable to be set aside and he is entitled to reinstatement in service with all benefits.

3. The management by its Counter Statement while incorporating the various allegations made against the first party in the charge sheet issued to him however, contended that a Domestic Enquiry was conducted against the first party workman giving him fair and reasonable opportunity to defend himself taking the assistance of a defence representative in the later enquiry proceedings conducted against him. It was contended that after the completion of the enquiry proceedings finding were submitted by the Enquiry Officer holding him guilty of the charges and Disciplinary Authority proposed the punishment of dismissal on the basis of the findings giving opportunity to the first party to attend the personal hearing. Thereupon, the Disciplinary Authority passed the impugned punishment order, which was also upheld by the Appellate Authority. The management therefore, contended that findings of the enquiry were based on oral and documentary evidence and suffered from no perversity so as to be interfered at the hands of this tribunal. The management further contended that keeping in view the seriousness and gravity of the misconduct committed by the first party workman, punishment of dismissal was quite proportionate and commensurate giving no scope for any lenient view in the matter.

4. As noted above, keeping in view the respective contentions of the parties with regard to the fairness and validity of the enquiry proceedings, this tribunal on 25-3-04, framed the following Preliminary Issue :—

“Whether the Domestic Enquiry conducted against the first party by the Second Party is fair and proper?”

Both the parties were called upon to lead evidence on the above said issue and after due trial of the said issue, this tribunal by its order dated 21-2-05 recorded a finding to the effect that enquiry conducted against the first party by the Second Party is ‘fair and proper’ and the matter came to be posted for hearing of the arguments on merits, so to say, on the perversity of the enquiry findings and the quantum of the punishment awarded against the first party.

5. It is on record that after the charge sheet was issued, Domestic Enquiry was ordered against the first party workman and on the completion of the enquiry proceedings, enquiry officer submitted his report dated 22-4-98 holding the workman guilty of the charges. It would appear from the pleadings of the parties that on the basis of the said enquiry report, the Disciplinary Authority passed an order dated 27-5-98 proposing the punishment of dismissal and

during the course of personal hearing when the first party workman submitted that he was not given proper opportunity to defend himself during the course of enquiry, the Disciplinary Authority thought it proper to reopen the enquiry and appointed a fresh Enquiry Officer by name Shri S. Mohanty. During the course of first enquiry proceedings, the management had examined 4 witnesses as MW1 to MW4, getting marked certain documents. After the enquiry was reopened, the management produced MW2 to M4 for their cross examination by the first party but failed to produce the Complainant MW1 on the ground that he was not available, he being a daily wager unable to attend the enquiry. Thereupon, taking into consideration, the testimony of MW2 to MW4 and the documents at Ex. MEX. 1 to MEX 16, the learned enquiry officer once again submitted the enquiry findings holding the workman guilty of both the charges leveled against him. Once again punishment of dismissal was proposed by the Disciplinary Authority, personal hearing was granted and then dismissal order was passed against the first party. His appeals also was rejected. Then the first party raised industrial Dispute resulting to the present reference.

6. In order to appreciate the respective contentions of the parties, it is worthwhile to bring on record the very charge sheet issued against the first party marked before this tribunal at Ex. M1. It runs as under :—

#### **Charge sheet-Cum-Suspension Order**

“That you have been working as Attender at Kolagunda branch since November, 1992 and that while working as such you.

- (a) Did not remit to the Bank a sum of Rs. 1750- handed over to you on 13-5-97 by Shri V. Raghu, a customer of the branch for credit of his SB Account No. 1313.
- (b) Did not maintain sufficient balance in your SB account No. 1077 while issuing five cheques, the details of which are more fully described below :—

Following circumstances appear on record in respect of the above transactions :

- (a) **In the matter of non-crediting of Rs. 1750 to SB Account No. 1313 of Shri V. Raghu :**

That Shri V. Raghu opened his SB Account No. 1313 with Kolagunda branch on 12-7-95 and that on 13-5-97 Shri V. Raghu, handed over a sum of Rs. 1750 along with a credit slip and his SB pass book to you for credit of his SB Account No. 1313 at the branch. However, you did not deposit the money in the Bank, but made a credit entry of Rs. 1750/- in the Pass Book and handed over the same to the Customer.

That on 19-5-97, Shri V. Raghu visited the branch and deposited Rs. 1000 into his SB Account No. 1313 and when he gave his pass book for entry, he noticed non-deposit of Rs. 1750 tendered by him for credit of his account on 13-5-97. Immediately he reported the matter to the Branch Manager, Shri H. Ashok Mallya. As you were on leave on

19-5-97, when the Manager enquired the matter with you on the subsequent day in the presence of Mr. V. Raghu you confirmed having made the above entry in the pass book and assured that you would reimburse the amount of Rs. 1750 to Shri V. Raghu, but you did not reimburse the amount as assured. The party lodged a complaint with the branch manager on 13-9-97 and demanded reimbursement of Rs. 1750 with interest.

**(b) In the matter of not maintaining sufficient balance in your SB Account No. 1077 to honour five cheques issued by you :**

It is reported that the following cheques issued by you on your SB Account No. 1077 at the branch were returned unpaid for the reason 'funds insufficient' indicating that you are in the habit of issuing cheques without maintaining sufficient balance in your account :

- (i) 498041 for Rs. 10,000 fvg KSFC, Hassan returned unpaid on 12-4-96.
- (ii) 498511 for Rs. 960/- fvg HDFC returned unpaid on 20-3-97.
- (iii) 498513 for Rs. 960 fvg HDFC returned unpaid on 20-5-97.
- (iv) 498514 for Rs. 934 fvg HDFC returned unpaid on 20-5-97.
- (v) 498828 for Rs. 11500 fvg KSFC, Hassan returned unpaid on 22-9-97.

The above circumstances go to indicate that

- (1) You with a dishonest/fraudulent intention of deriving undue/unlawful pecuniary benefit at the cost of the Bank, misappropriated an amount of Rs. 1750 handed over to you by the customer of the branch for credit of his account at the branch.
- (2) You violated the guidelines of Cir. No. 90/94/BC/PD/22/IRD dated 16-4-94 by not maintaining sufficient balance in your SB account while issuing cheques which were returned unpaid.

The above acts on your part constitute Gross Misconduct vide Clause No. 19.5 of the Bipartite Settlement.

You are, therefore, charged for doing acts prejudicial to the interest of the Bank vide clause No. 19.5 (j) of the Bipartite Settlement."

7. Learned counsel for the first party workman, vehemently, argued that there was no sufficient and legal evidence to connect the first party with the misconduct alleged as far as the first charge is concerned. He submitted that there are no reasonings given by the Enquiry Officer

as to based on which oral and documentary evidence, the above said charge of misconduct has been proved. He invited the attention of this tribunal in this context the very reasonings of the enquiry officer discussed on page 4 of the Enquiry report. Therefore, learned counsel submitted that this court under the provisions of Section 11A of the ID Act may reappraise the evidence brought on record before the Enquiry Officer and draw its own conclusion as to proof or otherwise of the misconduct levelled against the workman.

8. Whereas, learned counsel for the management with equal vehemence contended that the evidence brought on record before the enquiry officer is quite sufficient and legal to establish the charges of misconduct. He submitted that as per the pass book at Ex. M5, the first party made an entry of Rs. 1750 making it to appear that the amount paid by the above said complainant Shri Raghu has been received by the bank and thereby the misappropriated the said amount by not deposit the same with the Bank. He also relied upon the complaint at Ex. M3 dated 13-9-97 made by said Raghu testifying to the effect that on 13-5-97 he had handed over Rs. 1750 to the first party to be deposited in the Bank. He also brought to the notice of this tribunal the alleged statement dated 6-11-97 of the first party said to have been made by him orally before the Investigation Officer in the presence of the then Branch manager, Shri H.A. Mallia so as to suggest that in no uncertain terms the first party admitted the misconduct committed by him. He contended that the reasons given by the Enquiry Officer in coming to the conclusion that charges of misconduct have been proved are very much supported by evidence and therefore, his findings are not to be interfered at the hands of this tribunal.

9. On going through the records, I do not find much substance in the arguments advanced by the Second Party as far as the first charge of misconduct levelled against the first party. To appreciate the respective contentions of the parties it is worthwhile to bring on record the very observations and the reasonings of the Enquiry Officer made under the heading 'Analysis of Evidence' on page 4 of the enquiry report as under :—

**Analysis of evidence**

"There are 2 allegations against the CSE, as made out in the Charge sheet under enquiry.

The first allegation under item 'A' refers to the dishonest/fraudulent action of the CSE in misappropriating Rs. 1750 handed over to him by a customer for credit of his account with the bank. In support of this allegation, the management has examined 4 witnesses and 13 documents. The deposition of MW1, Shri Raghu, a customer of the Bank having SB account No. 1313, throws sufficient light with regard to his claim that on 13-5-97, he had paid Rs. 1750/- in cash to Shri B.R. Ramaswamy (CSE) for crediting the same to his SB Account No. 1313 and in turn the CSE had immediately recorded the



same as a credit entry in his pass book (MEX. 1) with his initials. That this entry was made by the CSE is further confirmed by the evidence of MW3, who is the Branch Manager and is familiar with the hand writing of the CSE. Further, from the deposition of MW3, it is clear that the CSE has confessed for having received the above amount from MW1 and written the MEX. 1. This was also confirmed by the CSE with the Investigating Officer MW4 during the discussion. The CSE did not bring out any evidence to negate the above evidence. Further, the deposition of MW3 who is the Branch Manager, throws sufficient light about the indebtedness of the CSE. The customer has submitted a complaint MEX-3, which was enquired into by the Manager, MW3, who had interrogated the CSE who in turn had confessed the fact that he had received the amount in question from MW1 and entered the same in MEX. 1, pass book but did not credit the same to his SB account No. 1313 with the bank. MEX-2, 4, 6, 8, 9, 10 and 11 also confirms the above allegation which are not disputed by the CSE. Under the circumstances, this particular allegation stands proved.

As regards allegation under item No. 'B', that the CSE did not maintain sufficient balance in his SB account No. 1077 while issuing 5 cheques, which were returned for want of funds, the management examined MW3 and MW4 as well as MEX-14, 15 and 16. The evidence of MW3 who is the Branch Manager confirms the return of the cheques in question and the MEX 14 which is the ledger extract of SB 1077 of the CSE confirms that when the cheques were presented, there were no sufficient balances with the result, they were returned. This is further confirmed by MEX-15 and 16. The Branch Manager, MW3 has further stated that because of returning of cheques, the CSE has not followed the guidelines of the bank and has tarnished the image of the bank. MW4 has also investigated into this aspect and has confirmed the return of the said 5 cheques for want of funds. The CSE did not bring any evidence to alter the above evidence tendered by MW3 and 4. Thus this allegation also stands proved."

10. As could be seen from the enquiry papers, the management in order to substantiate the above said charge of misconduct against the first party mainly relied upon 3 sets of evidence namely, the pass book at EX. MEX. 1, the complaint by said Raghu at Ex. MEX. 3, and his statement at Ex. MEX. 4 made before the Enquiry Officer and the alleged statement of first party at Ex. MEX. 13 made before the Investigation Officer in the presence of above said H.A. Mallya. The oral testimony of M2 to MW4 as argued for the defence is just an hearsay evidence not to be acted up on to prove the charges of misconduct and that the testimony of MW made in his examination chief in the earlier enquiry proceedings who was not subjected to cross examination in the subsequent enquiry will have no

evidential value as his evidence was not tested by way of cross examination on the part of the first party. It is very interesting to note that the most important and competent witness to speak to the fact that he had handed over the amount of Rs. 1750 to the first party to be deposited with the bank and that the first party having made entry in the pass book of his account, failed to deposit the said amount with the Bank, unfortunately, though was examined as the first witness for the management during the first enquiry conducted against the first party, was held back by the management during the course of second enquiry on a flimsy ground that he being a daily wager was unable to attend the enquiry and therefore, his presence could not be secured. Therefore, whatever may be reason for non production of the said witness, the fact which remains on record is that he being not subjected to cross examination, his statement in examination chief made earlier cannot be read in evidence to be taken into consideration to prove the charges of misconduct against the first party. As far as MW2 is concerned, he is the then Assistant manager and his statement before the Enquiry Officer is to the effect that on 13-5-97 the Cashier who was on duty was frequently absent and used to come very late in which case either as the Manager he himself or the other Clerk used to receive the cash. While admitting the fact that Cashier was on duty on that day however, he wanted to say that most of the time Cashier used to be away from the cage. Then he admitted that he has not seen Mr. Raghu, the customer nor he approached him at any time on 13-5-97. He admitted that he has not seen the first party receiving the cash from any of the customers on 13-5-97. Therefore, the above said statement of MW2 first of all is an hearsay evidence and secondly, if at all it is to support anybody's case it will support the case of the first party rather than the management as undisputedly neither he saw the customer Shri Raghu nor he has seen the first party receiving money from the above said customer on the above said date. MW3 is the then branch Manager and in his own words he was on leave during the relevant period. Therefore, his evidence again being hearsay evidence will not help the case of the management. As far as MW4, is concerned he is said to be an Investigation Officer not knowing anything personally about the incident on hand. Therefore, when we ignore the above oral testimony, MW1 to MW4, then we have to fall back on the documentary evidence produced by the management to establish the charge.

11. As noted above, the trump card for the management to hold the first party responsible for the misconduct alleged is the pass book, of the savings account belonging to said Raghu. It is the case of the management that first party having collected a sum of Rs. 1750 from said Raghu, made entry in the said pass book by putting his initial but failed to deposit the same with the bank. In this context, it was well argued for the first party that the initial in the pass book against the entry of Rs. 1750 has been very much disputed by the first party and it was his case that it was the initial put by MW2 himself as Assistant

Manager. This contention of the first party cannot be brushed aside lightly as it was the defence taken by the first party during the course of enquiry in the light of the statement of MW2 and the admission made by him during his deposition admitting the fact that the copy of Manager Scroll, Ex. M10 dated 13-5-97 bears his initials on the right side of the Scroll. By going through the said Scroll and looking into the initials of MW2 put on the said Scroll, it is very difficult not to believe the defence taken by the first party that those initials have got close resemblance to the initial put in the pass book against the entry of Rs. 1750. As read from the enquiry report, the defence wanted that those admitted initials on Ex. M10 and the initial on Ex. M1 be sent to the handwriting expert to find out the truth but very strangely, the Enquiry Officer rejected the request of the defence without any valid reason. Even otherwise, as noted above, the most important and competent witness to have spoken to the fact of giving money into the hands of the first party and getting entry done by him in his above said pass book has not been produced before the Enquiry Officer to testify to the above said fact. He would have been the right of proper person to speak to the said fact. The non production of said witness for the purpose of cross examination, therefore, must lead to an adverse inference against the management.

12. Now, coming to the reasonings of the Enquiry Officer, it is again interesting to note that this important, rather, the only piece of evidence relied upon by the management was not at all considered and discussed by the Enquiry Officer when he assigned his reasonings under the heading 'Analysis of Evidence'. Nowhere the learned enquiry officer independently has discussed the above said pass book either taking into consideration the defence taken by the first party or while appreciating the case of the management on the point. He did not give any finding on the fact that the first party made an entry in the above said pass book by putting his initial and that after having collected a sum of Rs. 1750 from said Raghu failed to deposit the same with the bank. While considering the documentary evidence on the part of the management, the learned enquiry officer in one stroke observed that the evidentiary value of 13 documents i.e. MEX. 1 to 13 are not disputed and the contents of Ex. MEX. 2, 3, 4 and MEX. 6 have been duly corroborated in the oral evidence. This observation of the learned officer itself was factually incorrect. The defence never admitted the genuineness of the above said pass book at Ex. MEX. 1, the complaint and the statement given by the above said Raghu at MEX. 3 & MEX. 4, and his own alleged statement at Ex. MEX. 13. Therefore, it was wrong on the part of the Enquiry Officer to just proceed on the assumption that these were documents not at all disputed by the defence. Therefore, admittedly there is no discussion over the above said pass book, the basis for the charge-sheet to be issued against the first party and this document was not at all considered and appreciated in the light of the respective contentions of the parties. Thereafter the reasonings given by the Enquiry Officer,

otherwise, holding the workman guilty of the charges must collapse under its own weight being perverse and arbitrary.

13. Now coming to the complaint at Ex. MEX. 3 said to have been made by said Raghu on 13-9-97, it was well argued for the first party that the delay of about 4 months in filing the said complaint itself must falsify the case of the management and the veracity to the contents of the complaint itself. As per the statement of Raghu at Ex. MEX. 4 said to have been made on 4-11-97 before the enquiry officer, he came to know of non deposit of Rs. 1750 paid by him to the first party with the bank when he came to the bank for the second time on 19-5-97 to make a further deposit of Rs. 1000 with the bank. Therefore, as per the very statement of the complainant, he could find out the default on the part of the first party in not depositing his amount with the bank just after 4 days of his first payment of Rs. 1750 on 13-5-97. Then a question arises as to how why the above said customer maintained silence about the said default without making any complaint either with the MW2 or with MW3 at any point of time. He comes out with the complaint for the first time only on 13-9-97 i.e. exactly after 4 months of the said incident. It is hereone must give due weight to the contention of the defence that there is something fishy in the prosecution theory. If really the incident came to light on 19-5-97 itself, then the natural conduct on the part of the customer would have been to come out with the complaint on 19-5-97 itself when he visited the bank. The statement in Ex. MEX. 13 which was also taken note of by the Enquiry Officer while recording his reasonings was again not a piece of evidence to be considered at all. It is said that MW4 in the presence of MW2 questioned the first party and recorded his statement in English language though given by the first party in Kannada. It is in the evidence of both the witnesses that the first party refused to sign the above said statement despite their asking. Therefore undisputedly when the above said statement is not signed by the first party then it will have absolutely no evidentiary value and can never be taken into consideration to be read and relied upon against the first party. Unfortunately, the above said statement of first party was also one of the documents taken account of by the learned Enquiry Officer in holding the workman guilty of the charges. Therefore, as argued for the first party, the reasonings given by the enquiry Officer to hold the workman guilty of the charges are not based upon the evidence brought on record or one can say that evidence brought on record was not at all appreciated by the Enquiry Officer in its proper perspective. His reasonings holding the workman guilty not on the basis of the pass book at Ex. M1 which was not all discussed and considered by the enquiry officer therefore, must be held to be perverse and arbitrary. The other documents as noted above, would not help the case of the management in connecting the first party with the misconduct alleged. As far as oral evidence is concerned, it was just an hearsay evidence. In the result this court has no hesitation in coming to the conclusion that the findings of the enquiry



officer holding the first party workman guilty of the charges are perverse and liable to be set aside.

14. Now coming to the Second Charge, it is alleged that the first party issued 5 cheques as shown in the charge sheet which were written 'dishonoured' there being no sufficient fund in his account and thereby he violated at the guidelines of circular dated 16-4-94 mentioned in the chargesheet. From the perusal of the Claim Statement filed by the first party, it can be gathered that the first party has not challenged the above said charge levelled against him by the management. At Para 3 of the Claim Statement he contended that Bipartite Settlement at paragraph 9.7(1) says that incurring debts to an extent considered by the management as excessive is enumerated as a minor misconduct and that issuing the cheques without keeping sufficient balance does not amount to misconduct. Therefore, the first party did not dispute the fact of issuing cheque without sufficient balance. He also did not dispute the fact that by doing so he violated the guidelines of the above said Circular. Therefore, in my opinion the first party did commit a minor misconduct in issuing the cheques having no sufficient balance in his account. In the result I am of the opinion that stoppage of one increment for a period of one year for committing the above said misconduct by way of punishment will be met the ends of justice.

15. Now coming to the reliefs to be granted to the first party workman, keeping in view of the finding recorded on the above said first charge holding that the findings of the Enquiry Officer are perverse and liable to be set aside, the dismissal order passed against the first party workman is also to be set aside as not legal and correct. Therefore, the natural corollary would be the reinstatement of the first party workman into the service of the management to the post he held at the time of the dismissal. As far as, the relief of back wages is concerned, in a normal course the first party workman would have been entitled to back wages from the date of his dismissal till the date of his reinstatement. In order to deny the back wages a primary burden was cast upon the management to establish before this tribunal that the workman was been gainfully employed after he has dismissed from the service. There was no evidence led on behalf of the management on the said point. There is again no evidence adduced by the first party workman to suggest that he has not been gainfully employed when he was away from the service of the management after the dismissal order. Therefore, under the circumstances of the case, it appears to me in the interest of justice to grant 50 per cent of the back wages from the date of dismissal till the date of reinstatement. Accordingly reference is answered and following Award is passed.

#### AWARD

Reference is partly allowed. The first party workman is imposed with the punishment of stoppage of one increment for a period of one year from the date of the dismissal order passed by the Disciplinary Authority. The

management is directed to reinstate the workman in Service with 50 per cent back wages from the date of dismissal to the date of reinstatement with continuity and other consequential benefits.

(Dictated to PA transcribed by her corrected and signed by me on 6th July, 2005).

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 26 जुलाई 2005

का.आ. 2961.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या एल सी आई डी-47/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-7-2005 को प्राप्त हुआ था।

[ सं. एल-40025/4/05-आई आर (डी यू) ]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 26th July, 2005

S.O. 2961.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. LCID-47/2004) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workmen, which was received by the Central Government on 26-7-2005.

[No. L-40025/4/05-IR(DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

#### PRESENT:

SHRI E. ISMAIL, B.Sc., LL.B., Presiding Officer

Dated: the 2nd May 2005

INDUSTRIAL DISPUTE L.C.I.D. No. 47/2004

#### Between:

T. Mohan Rao.

S/o Anand Rao, D. No. 24-42/1,

C/o Mekala Ravindra. Konerupet.

Nuzivid-521 201

... Petitioner

#### AND

1. The General Manager,  
Telecom District.  
Vijayawada-520 010

2. The Sub-Divisional Officer,  
Telecommunications,  
Nuzivid-521 201

... Respondent

**APPEARANCES:**

For the Petitioner : Shri S. Shyamsunder Rao,  
Advocate

For the Respondent : Shri V. Rajeshwar Rao,  
Advocate

**AWARD**

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgment of the Honble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa, and M/s. Cotton Corporation of India and two others.

2. The brief facts of the case as stated in the claim statement are that the Petitioner worked as Regular Mazdoor from 1-1-1991 to 1-4-1999 and illegally removed from service on 2-4-1999 when he was drawing Rs. 100/- per day. He approached Hon'ble Central Administrative Tribunal by OA 475/2000 which disposed off the matter making a order dated 25-10-2000 directing the Petitioner to approach the Respondent authorities for re-consideration of his case and stating that the Petitioner can take suitable decisions for redressed of his grievances. The Petitioner was engaged for erection of poles, rectification of faults on poles, laying wires, giving connection to private houses etc. Since his termination is illegal not following the provisions of ID Act, 1947, hence he may be reinstated with back wages and attendant benefits.

3. A counter was filed stating that the Petitioner was appointed purely on temporary basis on daily wages to coup up with execution of works viz., erection of poles, laying wires, providing new phone connection etc. He was engaged from 1-6-91 to 31-3-1999 that the Department of Telecom took a policy decision to continue such mazdoors who were on daily wages as on 22-6-1988 and were working on mustor rolls as on 31-3-1999. He produced the information that he has been employed at SDOT Mancherial (Adilabad District) since June 1988 to May 1999 which was proved wrong. Hence, he was terminated. He approached Hon'ble CAT. The CAT in OA No. 475/2000 ordered with a decision to re-consider the Petitioner's representation within 3 months. It was considered but it was rejected. He was engaged intermittently hence section 25(F) of ID Act will not attract. Hence the Petition may be dismissed.

4. The Petitioner examined himself as WW1 and deposed that he worked continuously from 1-1-1991 to 1-4-1999 and he was getting Rs. 100/- per day. In further chief examination he deposed that Ex. W1 is the attendance register for the period from 1-6-1991 to 31-3-1999 of himself. Ex. W2 is the provisional seniority list of temporary status mazdoors as on 1-10-2000 of VJ SSA. Ex. W3 is letter removing him. Ex. W4 is order of Hon'ble CAT dt. 25-10-2000 in OA No. 475/2000. Ex. W5 is reply to representation of the Petitioner from Telecom Department. Ex. W6 is postal acknowledgement. Ex. W9 is legal notice dt. 16-1-2004 issued by the Petitioner to Management. In the cross examination he deposed that he was no prof. of his employment at Mancherial but he was engaged as casual mazdoor Nuzivid on 1-6-1991.

5. The Management examined Shri Arjun Singh as MW1. He deposed that the Petitioner was engaged from

1-6-1991 to 31-3-99 with intermittent gaps on casual basis. The Petitioner submitted false information regarding his engagement from June 1988 to May 1999 and he was not on rolls on 9-6-2000. In the cross examination he accepted that they have not given any prior notice under Sec. 25(f) of I.D. Act.

6. Much is argued by both counsels. But one thing is clear from Ex. W1 that the Petitioner has worked for more than 240 days in a year as casual or otherwise and he has continued for more than 8 years. Therefore, his dismissal is wrong. Of course there is some delay in part of Petitioner also. After 2000 he approached his court in 2004. He was getting almost Rs. 3000/- per month but he might have worked some where and there is delay in approaching his court and making false claim that he worked at Mancherial, but perhaps that is to meet the cut-off date. Whatever be the reason, his dismissal without complying 25(F) is wrong. He has worked for 8 years. Hence, the Respondent is directed to pay Rs. 12,000/- i.e. 4 months pay i.e. retrenchment compensation and he shall also be reinstated within 30 days from the publication of this award as a casual mazdoor failing which he is entitled for last drawn wages with 6% per cent simple interest per annum and he shall be considered for regular absorption.

Award passed accordingly. Transmit.

Dictated to Shri J. Vijaya Sarathi, LDC transcribed by him corrected and pronounced by me on this the 2nd day of May, 2005.

E. ISMAIL, Presiding Officer

**Appendix of evidence**

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1 : Shri T. Mohan Rao	MW 1 : Shri Arjun Singh

**Documents marked for the Petitioner**

Ex. W1	: Xerox copy of attendance registrar from 1-6-1991 to 31-3-1999.
Ex. W2	: Provisional seniority list of temporary status mazdoor as on 1-10-2000.
Ex. W3	: Letter removing the Petitioner.
Ex. W4	: Hon'ble CAT order dated 25-10-2000.
Ex. W5	: Letter dated 31-1-01/2-2-01 dismissing the representation on Ex. W4
Ex. W6	: Postal acknowledgement
Ex. W7	: Postal acknowledgement
Ex. W8	: Postal acknowledgement.
Ex. W9	: Legal notice to Respondent dt. 16-1-2004.

**Documents marked for the Respondent**

NIL

नई दिल्ली, 26 जुलाई 2005

का.आ. 2962.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापत्तनम पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के

बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 70/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-7-2005 को प्राप्त हुआ था।

[ सं. एल-34011/3/02-आई आर (विविध) ]

सी. गंगाधरण, अवसर सचिव

New Delhi, the 26th July, 2005

**S.O. 2962.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 70/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of Visakhapatnam Port Trust and their workmen, received by the Central Government on 25-7-2005.

[No. L-34011/3/02-IR(M)]

C. GANGADHARAN, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

**PRESENT:** Shri E. Ismail. B.Sc., LL.B., Presiding Officer

Dated: the 11th April, 2005

**INDUSTRIAL DISPUTE NO. 70/2004**  
(OLD I.D. NO. 55/2002 transferred from Industrial  
Tribunal-cum-Labour Court at Visakhapatnam)

#### Between:

The General Secretary,  
Visakhapatnam Harbour & Port Workers Union,  
D. No. 26-26-27, Harbour Approach Road,  
Visakhapatnam ... Petitioner

AND

The Chairman,  
The Visakhapatnam Port Trust,  
Visakhapatnam ... Respondent

#### APPEARANCES:

For the Petitioner : S. Rama Rao, Advocate

For the Respondent : Shri D.V. Subbar Rao,  
Advocate

#### AWARD

The Government of India, Ministry of Labour by its order No. L-34011/3/2002-IR(M) dated 12-8-2002 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to the Industrial Tribunal, Visakhapatnam between the management of Visakhapatnam Port Trust and their workman which has

been transferred to this Tribunal in view of Government of India, Ministry of Labour's Order No. 11-11026/1/2001-IR(C.II) dated 18-10-2001 bearing I.D. No. 55/2002. The reference is:

#### SCHEDULE

“Whether the action of the management of Visakhapatnam Port Trust in terminating the services of Sri P. Sainath, Ex-clerk, Mechanical Department by way of compulsory retirement w.e.f. 6-3-1997 on account of unauthorized absence is legal and/or justified? If not, what relief is the Visakhapatnam Harbour & Port Workers Union is entitled?”

The reference is renumbered in this Tribunal as I.D. No. 70 of 2004 and notices issued to the parties.

1. A Claim statement was filed by the Petitioner union stating that the Petitioner joined Visakhapatnam Port Trust as class III employee on 27-11-1980. In 1996, he has gone on Medical leave from 26-5-96. After recovering from sickness he has reported for duty and was issued with a chargesheet dated 14-9-96 alleging that he was unauthorisedly absent from 4-3-96 to 22-3-96, 24-3-96, 29-3-96, 1-4-96 to 11-4-96, 19-4-96, 22-4-96, 30-4-96, 6-5-96 to 12-5-96 and from 26-5-96 to 14-8-96. It is also alleged that he was irregular in attending duties and he availed total leave of 453 days from date of initial appointment as clerk from 27-11-1980. It was also stated that the Petitioner was imposed with a minor penalty of reduction of pay by one stage by one year without cumulative effect on earlier occasion therefore it amounts to violation of regulations. The Petitioner gave an explanation dated 21-9-96 that due to ill health and domestic problems he could not attend. Enquiry was ordered into charges and he was informed that if he accepts the dates on which he remained absent a lenient view will be taken. Accordingly, he accepted. The Enquiry Officer on 12-10-96 submitted his report. Thereafter, the Petitioner called by the Chief Mechanical Engineer who is Disciplinary Authority on 26-12-1996 and advised him to attend the duties regularly and orally informed that further proceedings would be dropped in pursuance of the memorandum of charges dated 14-9-96. Thus, the Petitioner has been informed that there will not be any disciplinary action for the memorandum of charges issued to the Petitioner dated 14-9-96. However, on the basis of the events which took place subsequent to 26-12-1996 the Petitioner was imposed with punishment. Aggrieved by the same, he preferred an appeal and the same was rejected and communicated to this on 11-11-1997. Review was also dismissed. Hence the present reference. Much is written against the Domestic enquiry which need not be gone into which has

been conceded by filing a memo by Petitioner. Hence it is prayed that this Hon'ble Tribunal may be pleased to hold that the action of the Management in terminating the services of the Petitioner by way of compulsory retirement with effect from 6-3-97 is illegal and consequently direct the Respondent to reinstate the Petitioner with all consequential benefits, back wages etc.

2. A counter was filed by admitting that the Petitioner joined on 27-11-1980. He had following punishments at his credits :

- (a) Punishment of Censure was imposed on 6-4-88, as his performance of duties was poor.
- (b) Punishment of reduction in pay by two stages for six months with cumulative effect besides recovery of Rs. 1134.10 from his salary was imposed on 17-3-89 for having drawn excess encashment of leave.
- (c) Punishment of reduction in pay by one stage for one year without cumulative effect was imposed 19-9-90 for the misconduct of unauthorized attendance.
- (d) Punishment of stoppage of one annual increment for one year with cumulative effect was imposed on 4-10-94 for the misconduct of unauthorized absence and tampering of records.

3. That the Petitioner is continuously absenting himself and enquiry was initiated, the charges were proved, and he was called and advised by Chief Mechanical Engineer on 26-12-96 to attend to duties regularly. Yet the Petitioner remained absent on 30-12-96 and 31-12-96. Much is written against the Domestic enquiry which need not be gone into which has been conceded by filing a memo by Petitioner. The prayer for reinstatement of the Petitioner was considered and taken a lenient view hence he was compulsorily retired from service instead of dismissal.

4. It is argued by the Learned Counsel for the Petitioner that in the charge sheet it was mentioned that the Petitioner was absent for 572 days from 27-11-80 to 30-7-96. He submits that it was not such a great absenteeism when we see that he joined on 27-11-80 that it was upto 30-7-96 that is about 16 years. He submitted that the Petitioner's mother was not well and she underwent treatment at NIMS, Hyderabad for almost two months. He submits that the Petitioner served for 16 years and some mercy may be shown to him and he may be reinstated.

5. It is urged by the Learned Counsel for Respondent that the Petitioner deserves no

sympathy and actually the action on the charge-sheet was suspended and advised on 26-12-96 to be regular and in the effect of advise that on 30-12-1996 and 31-12-1996 he remained absent. Therefore, he submits that he is not entitled for any relief.

6. It may be seen that the contention of the Petitioner that he is suffering from polio from child hood however over a period of time he could get movement in legs and he has problem of Romantic sickness. It may be seen that the main charge is the unauthorized absence for 121 days in 1996. In the charge sheet, it is mentioned that he availed a total leave of 453 days from the date of initial appointment which of course not an offence. His unauthorized absence for 121 days and further on 30th and 31st December 1996 in respect of he being warned on 26-12-1996 seems to be main reason. Yet, seeing that he has put on 16 years of service, I am of the opinion that he can be given a chance. Hence, the order of compulsory retirement dated 6-3-97 is set aside on following conditions :

- (1) The Petitioner Shri P. Sainath shall be appointed as clerk in Mechanical Department on the last pay drawn without any increments within 30 days from the publication of this award failing which he shall be entitled for last pay drawn with 6 per cent interest per annum.

- (2) He will not be entitled any back wages 6-3-97 till he is reinstated nor the period from 6-3-97 till he is reinstated shall be counted for any purpose including retirement benefits.

However, the service from 27-11-1980 till 5-3-97 shall be counted for all purposes including retirement benefits. Amount, if any paid towards retirement benefits shall be adjusted and be deducted at the time of final settlement. Award passed accordingly. Transmit.

Dictated to Shri J. Vijaya Sarathi, LDC transcribed by him corrected and pronounced by me on this the 11th day of April, 2005.

E. ISMAIL, Presiding Officer

#### Appendix of evidence

Witnesses examined  
for the Petitioner  
NIL

Witnesses examined  
for the Respondent  
NIL

#### Documents marked for the Petitioner

NIL

नई दिल्ली, 26 जुलाई, 2005

का.आ. 2963.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ोदा के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 187/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-07-2005 को प्राप्त हुआ था।

[ सं० एल-12025/3/05-आई आर (बी-II) ]

सी. गंगाधरण, अवर सचिव

New Delhi, the 26th July, 2005

S.O. 2963.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 187/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 25-07-2005.

[No. L-12025/3/05-IR (B-II)]

C. GANGADHARAN, Under Secy.

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT  
HYDERABAD

Present : Shri E. Ismail, B.Sc., LL.B.,  
Presiding Officer

Dated : 30th March, 2005

Industrial dispute L.C.I.D. NO. 187/2003

Between :

Sri V. Madhusudan,  
H.No. 7-4-69,  
Machhili Bazar,  
Nabikhana Street,  
Hanumakonda-506 011.

... Petitioner

#### AND

1. The General Manager (SZ) & Appellate Authority,  
Bank of Baroda,  
Zonal Office (South),  
II Floor, 90, C.P. Ramaswamy Road,  
Alwarpet, Chennai-600 018.
2. The Asstt. General Manager  
(AP Region) And Disciplinary  
Authority,  
Bank of Baroda, Regional Office,  
3-5-823, I Floor,  
Old MLA Quarters Road,  
Basheerbagh, Hyderabad. .... Respondents

#### APPEARANCES:

For the Petitioner : M/s. K. Rama Reddy,  
H. Anand, M. Narender Reddy &  
Joshi Prahalad Rao, Advocates

For the Respondent : M/s. K. Srinivasa Murthy,  
C. Vijay Sekhar Reddy, &  
S. Vijay Venkatesh, Advocates

#### AWARD

This is a case taken under Sec. 2 A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh, reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts as mentioned in the petition are :

That the Petitioner joined Respondent bank in the year 1982 as sub staff and promoted to clerical cadre and finally he has been promoted to Head Cashier cadre in which capacity he was working at the Warangal branch of the Respondent bank.

3. The Respondent bank chargesheeted the Petitioner vide chargesheet dated 21-6-2001 levelling certain allegations against him and he was compulsorily retired after the departmental enquiry. That the charges levelled against him were : (a) That on 28-4-98 his SB A/c No. 3679 at Warrangal Main branch of the Respondent bank was credited by Rs. 10,000 by depositing G/L BP. On going through the records of the branch, it has been observed that the Petitioner have not deposited any outstation cheque on that date. There is also no entry in the B. P. Register. Though the amount did not pertain to you (the Petitioner), the funds were utilized by you for passing of his BOBCARD bill on the same day and there by avoiding possible overdraft of Rs. 8167.80 ps in his SB Account; (b) That he received Rs. 50,000 on 30-9-98 by means of transfer credit of his SB A/c No. 3670 from SB A/c No. 8745 of Mr. K. Anil Kumar. The above debit was made to the account of Mr. Anil Kumar out of the fictitious credits in his account to the debit of G/L BP A/c. This amount have utilized by the Petitioner for payment of BOBCARD bill on the same day; (c) That on 7-4-99, the Petitioner posted a clearing credit to his SB A/c No. 3679 for Rs. 65,915/- without depositing any cheque for collection on that day, whereas there was a voucher for a similar amount dated 10-4-99. Thus, the credit relating to 10-4-99 has been posted on 7-4-99 concealing the overdraft of Rs. 18976.60 on 7-4-99 and Rs. 19892.60 on 8-4-99 and 9-4-99.

4. That on Enquiry Officer was appointed and much is written against the enquiry which need not be repeated here as the enquiry was conceded to be validly conducted. That the Disciplinary Authority differed with the report of the Enquiry Officer issued a show cause notice in respect of the allegation made in point 'a' in para 3 above and he has issued a show cause notice dated 27-7-2002. The

Petitioner submitted his explanation *vide* letter dated 4-8-2002. He was issued show cause notice dated 10-1-2003 proposing the punishment giving him personal hearing on 28-1-2003. He was awarded punishment of compulsory retirement from the services of the bank *vide* order dated 26-2-2003. That having been aggrieved by the orders of the Disciplinary Authority the petitioners approached the Appellate Authority and he gave a personal hearing to the Petitioner on 25-6-2003 but upheld the punishment awarded to him. Hence, it is prayed that the order dated 26-2-2003 and 1-7-2003 respectively of the Disciplinary Authority be set aside and the Petitioner be reinstated with all benefits.

5. A counter was filed stating that when various irregularities committed by the Petitioner came to light, he was issued with the notice dated 21-12-2000, calling upon him to explain the acts of misconduct alleged to have committed by him. The Petitioner submitted his explanation dated 12-1-2001 but the same was not satisfactory. Hence, a chargesheet dated 13/21-6-2001 was issued to the Petitioner with three charges and an enquiry was conducted following the norms and the Petitioner was allowed to represent by a defence representative. He fully participated in the enquiry and the report was submitted by the Enquiry Officer. According to him he has given a personal hearing and compulsorily retired with all benefits for which he preferred an appeal which was also dismissed. The allegations of the Petitioner that none of the charges were proved is false, all the charges have been proved. The charges laid to the Petitioner, enjoying the funds of fictitious credits to his account, the charges were supported with relevant documentary evidence and were proved in the enquiry. As the charges proved are grave and serious irregularities are there, the punishment of compulsory retirement is proportionate to the offence committed by the Petitioner.

6. The Learned Counsel for the Petitioner conceded that the domestic enquiry is validly conducted. Hence, arguments were heard under Sec. 11A of the Industrial Disputes Act, 1947 by both the Counsel for the Petitioner and Counsel for the Respondent.

7. It is argued by the Learned Counsel for the Petitioner that four charges were framed against him. Three regarding particular alleged acts as stated *supra* in the claim petition and the fourth one is breach of rule of business in the bank or instructions for running of any department under para 19.7(d) of the Bipartite Settlement and amendments thereto. The Enquiry Officer absolved the Petitioner from charge No. 1. The Disciplinary Authority differed, which he had no business to do so and even if it were so what are the reasons for which the Disciplinary Authority came to different conclusion than the Enquiry Officer. It may be noted that according to 2nd charge he received Rs. 50,000 on 30-9-98 by means of transfer credit to his SB A/c No. 3679 from SB A/c No. 8745 of Mr. K. Anil Kumar. The above debit was made to the account of

Mr. Anil Kumar out of the fictitious credits in his account to the debit of G/L BP A/c. Now, how can he be chargesheeted for the acts of another employee that too an officer. How do charge-sheeted employee will know that the amount he sought from the Officer Mr. K. Anil Kumar is out of the fictitious credits in the name of Sri K. Anil Kumar. There is no information from the bank Management to the staff members that Mr. Anil Kumar is making fictitious entries in his SB A/c. It is pertinent to note that the concerned debit and credit slips which are exhibits 8 and 9 in the enquiry were prepared and duly authorized by the Officer Mr. K. Anil Kumar. The chargesheeted employee was charged under Clause 19.5(k) of the Bi-partite Settlement which reads thus, "taking illegal gratification from a customer or an employee of the bank under para 19.5(k) of the BPS".

8. It is further argued by the Learned Counsel for the Petitioner that illegal gratification given to a person for doing any official favour and it goes without saying that a higher authority accepts the same from a lower authority for doing an official favour. In the instant case the charge-sheeted employee is a mere cashier and the person who gave hand loan is an officer. Further it was alleged that the amount was utilized for clearing his debts on the BOBCARD and a perusal of the food note of the Mex. 6 and 10 (BOBCARD bills) shows that BOBCARD amounts will be debited to the employee's account and if the account is overdrawn after such debit, the employee is advised to adjust the overdrawn amount at the earliest but not later than 15 days. Hence, there was no need for the Petitioner to all this. Further, there is no charge by the Management that the Petitioner and Mr. Anil Kumar acted in connivance of collusion. Further the Enquiry Officer's observation that the Petitioner should have called for a satisfactory explanation from the officer Mr. Anil Kumar before accepting the amount is unjustified as no one who needs money will ask for such an explanation. He further argues that the third allegation is that on 7-4-99 the Petitioner posted a clearing credit to his SB A/c No. 3679 for Rs. 65,915 without depositing any cheque on that day, whereas there was a voucher for a similar amount dated 10-4-99. Thus, the credit relating to 10-4-99 has been posted on 7-3-99 cancelling the overdraft of Rs. 18,976.60 ps on 7-4-99 and Rs. 19,892.60 ps on 8-4-99 and 9-4-99. He argues that the Petitioner submitted two cheques for collection on 7-4-99 while submitting the cheques the Petitioner specifically requested for memo of credit of the amounts and accordingly the credit slip were duly passed by the officer concerned. Duly authorizing the credit slip with a specific mention on the slip 'direct' which means that the amount be credited to the account of the Petitioner immediately and the system is in vogue in the branch. That there is no fault in seeking immediate credit which was permitted and duly authorized by the officer. The failure on part of the staff members cannot be contributed to the Petitioner. He further argues that there is no loss caused to



the bank and the Petitioner is directly blamed for the misdeeds, omissions and commissions on part of other staff members and superior officers. That they did not examine Mr. Anil Kumar. The Appellate Authority also did not analyzed the findings of the Enquiry Officer but just gave a cryptic order and not a speaking order. There is no financial loss to the bank and hence, the Petitioner be directed to be reinstated with full back wages and attendant benefits.

9. It is argued by the Learned Counsel for the Respondent that it is turn out from the enquiry and the record that the Petitioner was living beyond his means and always worried about his BOBCARD for which he was overdrawing it and in order to circumvent and see that there is no overdraft and he can save money on the transactions. He has created all this evidence instead of directly putting in his account. It was put in to the account of Mr. Anil Kumar and from there the amount was taken. Similarly, the charge No. 3, although the cheques were dated 10-4-99 yet, they were credited on 7-4-99 only and continuing such a person in the bank, some day or other due to his over expenditure and living beyond the means will land him into trouble and also the accounts of the innocent customers may not be safe in his hands. Hence, the bank has taken a lenient view and compulsorily retired him and did not even barred him from future employment. Hence, the petition may be dismissed.

10. It may be see that no doubt no lose has been caused to the bank and one cannot expect a person borrowing from anyone more so from an officer to ask him from where he got the amount to lend him. Similarly he has posted a clearing credit to SBI A/c. No. 3679 for Rs. 65,915 without depositing any cheque for collection on that day whereas there was a voucher of similar amount of date 10-4-99 has been posted on 7-4-99 ceiling overdraft of Rs. 18,976.60 and 19,892.60 on 8-4-99 and 9-4-99. In the enquiry, the Enquiry Officer has come to the conclusion that the charge No. 1 is not proved. The charge No. 1 was crediting Rs. 10000 by debiting GLBP. The Enquiry Officer held that the said charge is not proved. So far as the second charge was about Rs. 50000 from Mr. Anil Kumar. The Enquiry Officer has held that seeing sources of income of Mr. Anil Kumar, the chargesheeted employee should have asked Mr. Anil Kumar. It is surprising that borrower should ask a lender, who is doing favour to him, by lending amount, as to where lender get the amount. Regarding 3rd charge that he has posted a clearing credit to his SB A/c without depositing any cheque on that day i.e. 7-4-99 but on 10-4-99. It has not come as to what action has been taken against Mr. Anil Kumar. But one thing is very clear that the petitioner is trying to live beyond his means and all such persons who try to leave beyond their means are potential rule breakers. He has put in 21 years of service and no doubt the punishment in

the given circumstances is disproportionate to the alleged breaking of rules done by the petitioner. Yet as he has been compulsorily retired on 26-2-2003. I am not in favour of interfering with the punishment but as charge No. 1 stands unproved. The charge two also according to me stands unproved because a borrower cannot ask a lender that too his officer as to where from where to get the amount to lend him. The third charge alone is proved in the sense that amount was credited to his account on 7-4-99 and whereas actually it was credited on 10-4-99. Therefore, I am of the opinion that instead of re-instating him, some compensation can be paid to him. Hence, besides retirement benefits, as he has worked for 20 to 21 years. I hold that besides retirement benefits, he shall be paid lump sum of Rs. 50000 within 30 days from the publication of this award failing which he shall be entitled to 6% interest p.a. on the said amount.

Award is passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected by me and given under my hand and seal of this court on this 30th March, 2005.

E. ISMAIL, Presiding Officer

#### Appendix of evidence

No oral or documentary evidence has been educed on either side

नई दिल्ली, 26 जुलाई, 2005

का.आ. 2964.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापत्तनम पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 45/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-07-2005 को प्राप्त हुआ था।

[सं० एल-12025/3/05-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 26th July, 2005

S.O. 2964.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 45/2004) of the Central Government Industrial Tribunal-cum Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workman, which was received by the Central Government on 25-07-2005.

[No. L-12025/3/05-IR (B-II)]

C. GANGADHARAN, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
AT HYDERABAD****PRESENT:** Shri E. Ismail, B.Sc., LL.B., Presiding Officer

Dated: 11th April, 2005

**INDUSTRIAL DISPUTE L.C.LD. NO. 45 OF 2004****BETWEEN:**

Yellaballi Venkanna ... Petitioner

**AND**

1. The Visakhapatnam Port Trust,  
rep. by its chairman  
Visakhapatnam
2. The Deputy Chairman,  
Visakhapatnam Port Trust,  
Visakhapatnam
3. The Chief Mechanical Engineer,  
Visakhapatnam Port Trust,  
Visakhapatnam .... Respondents

**APPEARANCES:**

For the Petitioner : I. Balakrishna, Advocate

For the Respondent : D.V. Subba Rao, Advocate

**AWARD**

This is a case taken under Sec. 2 A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh, reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

This Petition was filed under Section 2(A)(2) stating that the Petitioner was appointed as Khallasi and a year later he was promoted as Driver Grade III and two years thereafter he was promoted to the post of Grade II Driver, then after a year promoted as Driver Grade I and thereafter a year he was promoted to the post of Crain Operator and that two years later he was promoted as diesel Loco Driver and that a year later he was promoted to Senior Diesel Loco Driver and at the time of discharge on the ground of compulsory retirement by way of imposing punishment he was Sr. Diesel Loco Driver and was drawing Rs. 8,850/-. The Nature of his duties is skilled as well as technical/mechanical. Suffice to state that he was allowed to cross EB more than once, as to the remembrance of the workman. That he maintained absolute integrity and the only punishment he was awarded is withholding an increment in 1998. On 14-3-2000 he was issued with a charge-sheet that insulted the foreman and shouted against the superior officer and Enquiry was instituted owing to the explanation given by the workman. Enquiry Officer submitted report dated 8-11-2000 holding that the charges are not proved.

The Disciplinary Authority did not agree and by order dated 31-3-2003 imposed a penalty of Compulsory retirement.

The workman carried the matter to the appeal which was also rejected. Hence he may be re-instated.

A counter was filed stating that the Petitioner appointed as Khallasi on 26-4-68 and at the time of removal he was drawing a basic of Rs. 8,850/-. He has lots of punishments at his credits such as "Censure" on three times: warning, stoppage of increments without cumulative effect for the misconducts committed, such as misuse of Motor Cycle Advance, Misuse of LTC facility, failure of report at work place at the beginning of the shift, failure to attend the allocated work resulting in delay, absconding from duty etc. Thus it is clear that the applicant is a chronic indisciplined workman and the averment that he rendered service maintaining absolute integrity/devotion to duty and that the superiors developed ill will and rancor towards him i.e. is far from truth and concocted.

He was issued with a charge-sheet dated 14-3-2000. The Petitioner instead of being on duty was in the rest room. When the superior officer went there to call him he called him as messenger and the plant supervisor went there, he shouted against him also. Hence the chargesheet was issued to him. The Enquiry Officer submitted his report saying that the charges are not proved. The Disciplinary Authority differed with findings of the Enquiry Officer and issued a show-cause notice to him dated 3-1-2000 and the Petitioner submitted a reply dated 22-1-2001. His explanation being not satisfied, he was compulsorily retired on 31-3-2001 and the Petitioner may not be granted any relief.

A memo has filed by the Petitioner counsel that the domestic enquiry was validity held. Obviously because the Enquiry Officer reported that the charges are not proved.

It is argued by the Learned Counsel for the Petitioner that after having conducted a detailed Enquiry, the Enquiry Officer has come to the conclusion that the charges are not proved. It is only the Disciplinary authority, which differs from the report of the Enquiry Officer and his contention is not correct. Therefore he prays that the Petitioner may be re-instated.

The Learned Counsel for the Respondent submits that the Petitioner has misbehaved and the Disciplinary authority also relied on witnesses that the Petitioner has insulted and given arrogant reply to both the officers and this was happened because of denial of promotion to chargesheeted officer. So he submits that the Petitioner is not entitled for any relief.

It may be seen that the Petitioner was not guilty by the Enquiry Officer and it is the Disciplinary authority which comes to the conclusion that the Petitioner is guilty.



Hence, I am of the opinion that the Petitioner may be given a chance.

Hence, the order of compulsory retirement dated 31-3-2001 is set aside on following conditions :

- (1) The Petitioner Shri Yellaballi Venkanna shall be appointed as Senior Diesel Loco Driver on the last pay drawn without any increments within 30 days from the publication of this award failing which he shall be entitled for last pay drawn with 6 per cent interest per annum.
- (2) He will not be entitled any back wages from 31-3-2001 till he is reinstated nor the period from 31-3-2001 till he is reinstated shall be counted for any purpose including retirement benefits.

However, the service from 24-4-1968 till 31-3-2001 shall be counted for all purposes including retirement benefits. Amount, if any, paid towards retirement benefits shall be adjusted and be deducted at the time of final settlement. Award passed accordingly. Transmit.

Dictated to Shri J. Vijaya Sarathi, LDC transcribed by him corrected and pronounced by me on this the 11th day of April, 2005.

E. ISMAIL, Presiding Officer

#### Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for Respondent
NIL	NIL

#### Documents marked for the Petitioner

NIL

#### Documents marked for the Respondent

NIL

नई दिल्ली, 26 जुलाई, 2005

का.आ. 2965.—औद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14 ) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आन्ध्रा बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट ( संदर्भ संख्या 188/2003 ) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-07-2005 को प्राप्त हुआ था।

[ सं० एल-12025/3/05-आई आर ( बी-II ) ]

सी. गंगाधरन, अवर सचिव

New Delhi, the 26th July, 2005

S.O. 2965.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 188/2003) of the Central Government Industrial Tribunal-cum Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Andhra Bank, and their workman, which was received by the Central Government on 25-07-2005.

[No. L-12025/3/05-IR (B-II)]

C. GANGADHARAN, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT: Shri E. ISMAIL, B.Sc., LL.B., Presiding Officer

Dated : 31st March, 2005

INDUSTRIAL DISPUTE L.C.I.D. NO. 188/2003

#### BETWEEN:

Sri A. Devahamsa,  
S/o A. Yesuratnam,  
R/o Opp : Old S.B.H.,  
Jammikunta,  
Karimnagar District.

... Petitioner

#### AND

1. The Chief Manager,  
Andhra Bank,  
Zonal Office,  
Karimnagar.
2. The Deputy General Manager  
(Personnel),  
Andhra Bank (Personnel) I.R.,  
Head Office,  
Hyderabad.

.... Respondents

#### APPEARANCES:

For the Petitioner : M/s. A. Mahadev,  
V.S. Kumar, M. Manohar Reddy  
& R. Yogender Singh  
& B. Pavan Kumar, Advocates

For the Respondent : M/s. S. Jdayachata Rao,  
S. Vikramaditya Babu  
& S. Lavanya Lakshmi,  
Advocates

#### AWARD

This is a case taken under Sec. 2 A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh, reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

## 2. The brief facts as mentioned in the petition are :

That the Petitioner was working as cashier in Andhra Bank at Jammikunta branch in Karimnagar District. On inspection by the inspectors of the branch dated 23-10-2001, a shortage in cash to the tune of Rs. 41,050 was noticed by them, the particulars are given below :

1. Rs. 4000 (From Rs. 500 section No. 4 in each of which 20 pieces were found short)
2. Rs. 1000 (From Rs. 100 in one section of Rs. 100 denomination 10 pieces were found short)
3. Rs. 50 (In one section of Rs. 100 denomination one piece of Rs. 50 was found)

Thus, there was a total shortage of Rs. 41050. He was placed under suspension on 29-10-2001 and thereafter a chargesheet dated 29-1-2002 i.e., after nearly three months after the incident, was issued stating that the Petitioner had removed the cash from the day and cash after counting by the Joint Custodian Officer before keeping the same in the safe and that the Petitioner gave a confession letter dated 23-10-2001 and also made good the amount on the same day. Much is said against the enquiry but that need not be gone into because the Petitioner's Council filed a memo on 28-10-2004 that the domestic enquiry is validly conducted. It is said that the Petitioner was made to pay the amount on the same day and all the confession letters were not obtained by force. No loss has been caused to the bank and there is no menseria or illegal intention on the part of the Petitioner either to misappropriate or misuse the funds of the bank and also taken into consideration that the Joint Custodian Officer was let off with a warning who was equally negligent. The Petitioner also should have been warned and let off. Hence, the order of dismissal may be set aside and the Petitioner may be directed to be reinstated.

3. A counter was filed stating that the Petitioner was working as joint custodian cashier at Jammikunta branch of the Respondent bank. The said bank was inspected by the Inspector of branches on 23-10-2001 and they found the shortage. The Petitioner voluntarily confessed that he himself removed the cash of Rs. 41050 after it was counted by the Joint Custodian Officer without the letter's knowledge to meet his urgent financial needs and with an intention to make the same good next day. He gave letter to the said effect and enquiry was conducted and he was dismissed. On appeal the same was made into compulsory retirement. Hence, the Petitioner is not entitled for any relief.

4. The Petitioner's counsel submit that the inspector was not examined detected the shortage of the cash. The said confession has been obtained under duress and therefore basing entire case on the alleged confession is not correct. Therefore he submits that the punishment of compulsory retirement may be set aside and he may be reinstated with back wages.

5. It is argued by the Learned Counsel for the Respondent that actually because the inspectors came and found out, therefore the Petitioner was caught. One does not know from what time onwards this method of taking of the money was going on and perhaps it would have continued and it would not be desirable to take him back.

6. I have given serious thoughts whether any relief can be given to the Petitioner. No doubt it was argued that one Senior Manager, who visited the branch and investigated into the same and mentioned in his report that it would not be possible to say that from which date shortage was continuing. It cannot be established that the cash was removed on 22-10-2001 after the cash was counted by the officer. In fact Yesubabu the Manager of the branch submitted during the enquiry that there was no complaint against the Petitioner. That the Petitioner is working as cashier of Jammikunta branch since 1990.

7. No doubt the previous antecedents are good and if it was only a question of dismissal. Some thought would have been given to give him some relief. But I find that on appeal, the same was made into compulsory retirement. Unfortunately as usual neither it is mentioned in the petition nor in the counter as to since when the petitioner has been working. No doubt the amount has been made good yet the bank has considered in appeal and change the punishment to one of compulsory retirement. Hence, in the circumstances, I confirm the order of the compulsory retirement.

8. Award is passed accordingly and transmit.

Dictated to Smt. K. Phani Gowri, Personal Assistant transcribed by her corrected by me and given under my hand and seal of this court on this the 31st March, 2005.

E. ISMAIL, Presiding Officer

#### Appendix of evidence

No oral or documentary evidence has been adduced on either side.

नई दिल्ली, 26 जुलाई, 2005

का.आ. 2966.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडीकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 49/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-07-2005 को प्राप्त हुआ था।

[सं० एल-12025/3/05-आई आर (बी-II)]

सी. गंगाधरण, अवसर सचिव

New Delhi, the 26th July, 2005

S.O. 2966.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 49/2004)

of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank, and their workman, which was received by the Central Government on 25-07-2005.

[No. L-12025/3/05-IR (B-II)]

C. GANGADHARAN, Under Secy.

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
AT HYDERABAD**

**PRESENT :** Shri E. ISMAIL, B.Sc., LL.B., Presiding Officer

Dated : 19th April, 2005

**INDUSTRIAL DISPUTE L.C.L.D. NO. 49/2004**

**BETWEEN:**

M. Prashantha Kumar,  
S/o M. Andruas,  
R/o D. No. 8/47,  
Prakashnagar Colony,  
Yerramukkalapalli,  
Kadapa-516 004

... Petitioner

**AND**

I. The General Manager,  
Personnel Department  
Syndicate Bank  
Head Office,  
Manipal-576 119

.... Respondent

**APPEARANCES:**

For the Petitioner : Sri M. Gowri Shankar,  
Advocate

For the Respondent : Sri A.K. Raju,  
Advocate

**AWARD**

This is a case taken under Sec. 2 A (2) of the I.D. Act, 1947 by the Labour Court, Hyderabad in view of the judgment of the Hon'ble High Court of Andhra Pradesh, reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and transferred to this Court in view of the Government of India, Ministry of Labour's order No. H-11026/1/2001-IR(C-II) dated 18-10-2001 bearing I.D. No. 35/2002 and renumbered in this Court as L. C.I.D. No. 49/2004.

2. The Petitioner was appointed as an Attender in 1997 in Syndicate Bank. He belong to Schedule Caste. During Sep. 2002 he was working as Attender in Kurnool Main Branch. A charge sheet was issued to him on 25-9-2002 alleging cost of gross mis-conduct and he was placed under suspension with immediate effect. But action

was initiated on the case of a complaint dated 1-9-2002 by Sri A. N. Dayananda, Officer Kurnool Main Branch of the respondent Bank. The allegations against the petitioner are drunkenness, indecent and disorderly behaviour on the premises of the Bank and willful in sub-ordination. The allegation against him is that on 25-9-1992 at about 5.30 pm, he came to the Bank in drunken condition and at 6.05 pm he abused the officer in unparliamentary language when he was asked to leave the branch. He failed to do so.

3. In his explanation to the charge sheet, he stated that on 31-8-2002, being a Saturday, the petitioner has left the branch at 2.30 pm after its closure.

4. At 6.30 pm his way to doctor finding the branch opened, he went inside. An Enquiry Officer was appointed and on the basis of the enquiry report, he was compulsorily retired and on appeal, the same was confirmed. Nothing could be written about the enquiry as it was conceded by petitioner's counsel on 28-12-2004 that the Domestic Enquiry is validly conducted. He submits that the Domestic Enquiry, anyway the punishment of compulsory retirement is disproportionate to the alleged gravity of misconduct, as such the impugned order of compulsory retirement may be set aside and he may be reinstated with all backwages and other benefits etc.

5. A counter was filed by the respondent that Shri M. Prasanth Kumar, Ex-Attender while working at Kurnool Main Branch was issued with charge sheet-cum-suspension order dated 25-9-2002 for coming to the Bank in a intoxicated condition on 31-8-2002 at about 6.00 pm and for hurling abused in a unparliamentary language against the Assistant Manager who was doing his official work and for arguing with him in an intoxicated condition when he was asked to leave the branch resulting in disturbing the work and closing the branch to avoid the further damage to the reputation of the bank. It was also on record that on earlier two occasions also he picked up quarrel with the Branch Manager of Kurnool in an intoxicated condition. His above acts constitute the gross misconducts of drunkenness, indecent or disorderly behaviour on the premises of the bank. The Enquiry Officer was appointed and in view of the findings of the enquiry officer, he was compulsorily retired and it was confirmed in orally. The petitioner raised an Industrial Dispute before the ALC (C)-I, Hyderabad and the petitioner has been called. The Union failed to attend for joint discussions. The matter was treated as closed wide letter dated 29-1-2004. Even though he was not under intoxication, entering into the office unnecessarily and entering into unnecessary unwanted arguments with the officer who was doing his routine work throwing papers on his face, hurling abused in unparliamentary language not leaving the branch inspite of his advise by his superiors which ultimately forced them to wind up the work and close the branch to avoid further damage to the image of the bank. The enquiry was conducted properly. Hence the petitioner

is not entitled for any relief. It is argued by the Learned Counsel for the petitioner that the allegation that he was in the habit of coming to the bank in an intoxicated condition now and then and mis-behaving with the staff members is not proved. He further submits that the petitioner was not sent for medical examination about his intoxication. He further argues that the doctor was examined as DW1 i.e. Doctor Nazeer Ahmed who deposed that he treated charge sheeted employee on 30-8-2002 at about 7.00 pm and he was in normal condition and he had only fever and body pains. So he argues that the main contention that the petitioner was drunken false to the grounds and when the main contention of drunkenness false to the ground. The other things like indecent behaviour and reply had not warrant compulsory retirement and the punishment is highly disproportionate.

6. He relies on 1982 three Supreme Court cases wherein lordships held dismissal for use of indiscreet, indecent or threatening to superior nor once in the course of long and unblemished service held disproportionately excessive. He also relies on 1987 4 Supreme Court cases page 611 whether it was held that the punishment was commensurate with the gravity of offense. He therefore argues that the petitioner may be reinstated into service with continuity of service and back wages. It is argued by the learned Counsel for the respondent that it is mentioned in the charge sheet itself that the petitioner is in the habit of coming to the bank in an intoxicated condition and misbehaving with the staff members and this is not the only an occasion previously also two times he had done like that. Mr. Dayanand, Assistant Manager is deposed in the enquiry that the petitioner was thrown papers on his face. He also caught hold of the hand of Dayanand and burlled abused at him. He agreed that the petitioner has taken a hand loan from him Rs. 50. Sri P. D. Sharma also was examined that the petitioner appeared to be drunken and he confirming the happenings. Similarly the management examined their 3rd witness Sri Vasant Mahadev who is also an Assistant Manager. He is not aware of any incident. Therefore prays that he may not be reinstated.

7. It may be noted that Sri M. Prasad, Sr. Branch Manager of Kurnool Main Branch deposed in the cross examination that the petitioner was punctual and attending the office in uniform and doing his work diligently. Further the doctor DW1 who deposed on 31-8-2002 the petitioner came to his clinic at about 7.00 pm for fever and body pains. So his drunkenness is presumed. No doubt one need not always be examined by a doctor. But here the doctor DW1 Mr. Nazeer Ahmed come to depose as defence witness that he was not drunken on 31-8-2002 at 7.00 pm for fever and body pains. So obviously the charge of drunkenness must go. But throwing the papers on the face of the officer and giving explanation that the papers flew

out of his hand while he was arranging them, does not seem to infuse confidence. But however the punishment seems to be rare and disproportionate. Hence, order of compulsory retirement is hereby set aside and the petitioner shall be appointed within 30 days from the publication of this award and his past service will not be counted for any purpose. It is not necessary that he should be posted at Kurnool Main Branch. He can be posted anywhere as per rules. An award is passed accordingly. Transmit.

Dictated to Sri P. Kanaka Raju transcribed by him corrected and pronounced by me on this the 19th April, 2005.

E. ISMAIL, Presiding Officer

#### Appendix of evidence

Witness examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL.

#### Documents marked for the Petitioner

- Ex. W1 : Charge Sheet cum suspension order issued by Syndicate Bank
- Ex. W2 : Reply of M. Prashantha Kumar dt. 7-11-2002
- Ex. W3 : List of Witness and documents dt. 22-11-2002
- Ex. W4 : Enquiry Proceedings
- Ex. W5 : Enquiry Officer's report dt. 3-12-2000
- Ex. W6 : Written Arguments/submissions before I.O.
- Ex. W7 : Show cause notice dt. 30-1-2003
- Ex. W8 : Minutes of personal hearing given by A.G. I.
- Ex. W9 : Punishment order
- Ex. W10 : Appeal to Appellate Authority
- Ex. W11 : Disposal of Appeal by the Appellate Authority

#### Documents marked for the Respondent

- Ex. M1 : Charge sheet cum suspension order dt. 25-9-2002
- Ex. M2 : Written arguments of Mr. Prashanth Kumar
- Ex. M3 : Letter of Asst. D.M./Disciplinary Authority
- Ex. M4 : Show cause notice dt. 30-1-2003
- Ex. M5 : Minutes of personal hearing dt. 6-2-2004
- Ex. M6 : Letter dt. 8-2-2002 of Sr. Manager a/w proceedings of AGM & D.A. dt. 8-2-2003
- Ex. M7 : Appeal letter of M. Prashantha Kumar dt. 6-3-2003
- Ex. M8 : Award of punishment of G.M(P)/A.A. dt. 2-5-2003.

नई दिल्ली, 26 जुलाई, 2005

**AWARD**

**का. आ. 2967**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 84/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-7-2005 को प्राप्त हुआ था।

[सं. एल-12025/3/2005-आई. आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 26th July, 2005

**S.O. 2967.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 84/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of Syndicate Bank and their workmen, which was received by the Central Government on 25-7-2005.

[No. L-12025/3/2005-IR(B-II)]  
C. GANGADHARAN, Under Secy.

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
AT HYDERABAD**

**PRESENT:**

Shri E. Ismail, B.Sc. LL.B., Presiding Officer

Dated the 29th April, 2005

**Industrial Dispute L. C. I. D. No. 84/2002****BETWEEN:**

A. Ganga Prasad.

E. No. 370512, Attender.

Syndicate Bank, M. J. Road Branch,

Hyderabad.

.. Petitioner

**AND**

The Deputy General Manager,

Personnel Section (Workmen Wing),

Syndicate Bank,

Zonal Office, Hyderabad.

... Respondent

**APPEARANCES:**

**For the Petitioner** : M/s. B. G. Ravinder Reddy  
and B. V. Chandra Sekhar.  
Advocates.

**For the Respondent** : M/s. K. Srinivasa Murthy.  
Advocate.

This is a case taken under Sec. 2A (2) of the I. D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W. P. No. 8395 of the 1989 dated 3-8-1995 between Sri. U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts of the case are that the Petitioner joined the service of the Respondent in the month of January 1982. He was selected in the sports quota as Petitioner was Ranji Cricketer. He was appointed as an Attender. He was confirmed on 14-8-1982. He rendered an unblemished service. While the matter stood thus, he was transferred from Zonal Office to M. J. Road Branch by Memorandum dated 8-5-1998. He was directed to be relieved on 16-5-1998. An order relieving him at Zonal Office was passed on 16-5-1998. The petitioner reported at the M. J. Road Branch on 18-5-1998 under protest stating that as a sportsman he was not liable to be transferred and his transfer was mala fide and was aimed at harassing him. In April, 1998 the employees union went on strike. Petitioner was forced to participate in the strike as the petitioner happened to be a member of A. I. B. E. Union.

3. The branch manager started harassing and humiliating the petitioner. Petitioner was subject to lot of ill-treatment and insults before the customers and other staff members. On the ground that petitioner was absenting from duty the Respondent has taken a decision to terminate the services of the petitioner as if the claimant had abandoned the service. The Zonal Office issued proceedings dated 11-11-1998 in Ref. No. 2754/ZOH/PSWW/370512 terminating the services of the petitioner from 31-10-1998.

4. The petitioner submitted that the Respondent has not given any charge memo to him. No enquiry was held and no opportunity was given. he is not guilty of the charge/allegation. He was not paid retrenchment compensation or any other terminal benefits. Thus, the termination of his services is illegal and it is also violation of Sec. 25-F, 25-N of ID Act. Therefore he prayed this court to reinstate him with all consequential benefits.

5. A counter was filed by the Respondent stating that the Petitioner was habitual absentee. He was unauthorisedly absent from 25-5-1998 and continued to remain absent till 14-9-1998. He was advised to join within 30 days by submitting a satisfactory explanation for his unauthorised absence, failing which it shall be deemed that he has voluntarily retired from bank's services and orders will be passed accordingly in view of the clause XVII of V Bipartite Settlement dated 10-4-1989. However, the Petitioner neither resumed duty nor submitted any explanation for remaining absent unauthorisedly beyond 90 days. instead he has chosen to remain absent even after receipt of the notice under register post ack. due.

Hence no chargesheet was issued as per clause XVII of V Bipartite Settlement and deemed as he unauthorisedly retired from service and hence he is not entitled for any relief. The Petitioner himself examined as MW1 and deposed that he was appointed as Attender on 18-1-1982 and he was transferred from zonal office to M. J. Road branch on 8-5-1998. He was selected as a member of Andhra Cricket Association and accordingly, he acted as selection committee member from 21-7-1998 to 3-8-1998. From 4-8-1998 to 25-8-1998, I was asked to attend inter district and zonal matches at Guntur by the Andhra Cricket Association. All these developments were duly informed to the Branch Manager, I reported for duty on 26-8-1998 but I was not taken on duty. I approached the branch manager several times, but I was not taken on duty. Suddenly I received the termination order dated 11-11-1998, questioning which I filed the present ID. He marked Ex. W1 is transfer order dated 8-5-1998. Ex. W2 is relieving order dated 16-5-1998 from zonal office. Ex. W3 is joining letter under protest dated 18-5-1998. Ex. W4 is medical certificate dated 18-7-1998. Ex. W5 is Andhra Cricket Association letter dated 3-8-1998. Ex. W6 is Termination order dated 11-11-1998.

6. In the cross-examination he deposed that he was transferred from Zonal Office to M. J. Road branch on 8-5-1998. It is true that he was absent from duty from 25-5-1998 and he has not filed any documents to show that he reported to duty on 20-7-1998 along with medical certificate dated 18-7-1998. He has not filed any documents to show that he reported on 26-8-1998, he denied that he received the notice and that he received the letter dated 11-11-1998 that he voluntarily absconded from service from 31-10-1998.

7. The Senior Manager (Personnel Section) of Respondent Bank has examined as MW1 and he deposed that the Petitioner was habitual absentee. Previously also he was awarded a punishment of stoppage of increment for a period of 3 months even though there is no improvement. He again deposed to the facts stated in the counter.

8. In the cross-examination he deposed that it is not clear when the notice was received by the Petitioner. That his GPF and Gratuity was paid. He denied that he is entitled for reinstatement.

9. The Learned Counsel for the Petitioner argued that the order dated 11-11-1998 seeking to terminate the services of the claimant from 31-10-1998 is illegal and he may be reinstated with all benefits. The Petitioner was transferred from Zonal Office to M. J. Road Branch on 8-5-1998 and reported on 18-5-1998 under protest that he could not attend duty from 25-5-1998 to 18-7-1998 along with medical certificate dated 18-7-1998 marked as Ex. W4 but he was not taken into duty. Thereafter he was taken as a member of Andhra Cricket Association from 21-7-1998 to 3-8-1998 and from 4-8-1998 to 25-8-1998 and he was

asked to attend the Inter District & Zonal matches at Guntur by the Andhra Cricket Association. All these developments were informed to the zonal manager. Again he has approached the bank on 26-8-1998 but he was not taken on duty. He further submitted that MW1 admitted that no chargesheet was given or enquiry was conducted before issuing termination order. That the one month was not paid. He submits that the Petitioner was not well and was selected as a selection committee member therefore his absence is neither wilful nor purposeful. In fact, he joined in 1982 therefore he ought to have given Laurels being selected for Andhra Cricket Association but contrarily he was removed. Hence he may be reinstated.

10. It is argued by the Learned Counsel for the Respondent that the Petitioner himself had admitted in the cross-examination that he absented himself from 25-5-1998 without any intimation in writing. He further lies on the fact that he has no evidence to show that he reported to duty on 20-7-1998 along with medical certificate dated 18-7-1998. Further, he has no proof that he reported on 28-8-1998. So all this is a camouflage. He thinks he is too big a man having been selected as a member of Andhra Cricket Association. Hence, the dismissal order may be confirmed.

11. It may be seen that the Petitioner was working from 1982 as Attender. Perhaps his selection as a member of Andhra Cricket Association has gone into head. He admits that he absented himself continuously and there is no proof at all having reported to duty on 20-7-1998 or 26-8-98 and the bank is correct in holding that he voluntarily retired from service w.e.f. 31-10-1998. No doubt, technically the bank is correct but he is a sportsman and perhaps that has gone into his head therefore his arrogant behaviour as if he was posted to a desert when he was transferred to M. J. Road from zonal office and now he is nearly of 50 years. I am of the opinion that one chance may be given to him. An award is passed in following terms : **The termination order dated 31-10-1998 is hereby set-aside and the Petitioner shall be reinstated within 30 days from the publication of this award on the last pay drawn as attender wherever there is any vacancy in any branch failing which he shall be entitled to wages every month as per his last pay drawn. The period from 1-11-1998 till he is allowed to join shall not be counted for any purpose including retirement benefits. His previous service from 1982 to till 31-10-1998 shall be counted for all purposes. If any amount was paid to him, the same shall be adjusted in future retirement benefits as per rules.**

Award passed accordingly. Transmit.

Dictated to Shri J. Vijaya Sarathi, L. D. C. transcribed by him, corrected and pronounced by me, on this the 29th day of April, 2005.

E. ISMAIL, Presiding Officer

**Appendix of evidence**

Witness examined for the Petitioner      Witnesses examined for the Respondent

WW1 Shri A Ganga Prasad      MW1 Shri Ganapathi M. Kamath.

**Documents marked for the Petitioner**

- Ex. W1 : Order dated 8-5-1998  
 Ex. W2 : Order dated 16-5-1998 from Zonal Office.  
 Ex. W3 : Joining letter under protest dated 18-5-1998.  
 Ex. W4 : Medical Certificate dated 18-7-1998.  
 Ex. W5 : Andhra Cricket Association letter dated 3-8-1998.  
 Ex. W6 : Termination order dated 11-11-1998.

**Documents marked for the Respondent**

- Ex. M1 : Letter No. 935 3033 EST ZOH dated 6-6-96.  
 Ex. M2 : Charge sheet cum show cause notice dated 16-7-1996.  
 Ex. M3 : Order imposing punishment of stoppage of increment for 3 months dt. 11-9-96.  
 Ex. M4 : Notice No. 23-G 3033 EST ZOH ZIF 3006 dt. 4-1-97.  
 Ex. M5 : Notice No. 3033 GDV ZIF EST ZOH dt. 21-6-97.  
 Ex. M6 : Notice No. 2728 3033 EST ZOH GDV ZIF 3006 dt. 22-12-97.  
 Ex. M7 : Notice No. 716/405/0250/Gen dt. 17-6-98.  
 Ex. M8 : Notice No. 881/460/0250/Gen dt. 4-8-98.  
 Ex. M9 : Postal acknowledgement.  
 Ex. M10 : Notice No. 2617/ZOH/PS/WW/IF/370512 dt. 14-9-98.  
 Ex. M11 : Order No. 2754/ZOH/PSWW/370512 dt. 11-11-98.  
 Ex. M12 : Letter No. 1222/635/0250/Gen dt. 19-11-98.  
 Ex. M13 : V Bi-partite settlement dt. 10-4-89.

नई दिल्ली, 26 जुलाई, 2005

**का. आ. 2968**—औद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14 ) की धारा 1/ के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट ( संदर्भ संख्या 39/2004 ) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-7-2005 को प्राप्त हुआ था।

[ सं. एल-12025/3/2005-आई. आर. (बी-11) ]  
 सी. गंगाधरन, अवर सचिव

New Delhi, the 26th July, 2005

**S.O. 2968.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 39/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 25-7-2005.

[No. L-12025/3/2005-IR(B-II)]

C. GANGADHARAN, Under Secy.

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
 INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT  
 HYDERABAD**

**PRESENT:**

Shri E. Ismail, B.Sc. LL.B., Presiding Officer

Dated the 15th April, 2005

**Industrial Dispute L. C. I. D. No. 39/2004**

**BETWEEN:**

Mathangi Saibaba,  
 S/o Subbaiah,  
 R/o D No. 24/112-B,  
 Harijanapeta,  
 Nandyal, Kurnool District      ... Petitioner

**AND**

Syndicate Bank,  
 Rep. by its General Manager,  
 Zonal Office, Pioneer House,  
 Somajiguda, Hyderabad.      ... Respondent

**APPEARANCES:**

**For the Petitioner :** Shri M. Gowri Shankar,  
 Advocate.

**For the Respondent :** M/s. K. Srinivasa Murthy,  
 V. Uma Devi, C. Vijaya Sekhar  
 Reddy, S. Vijaya Venkatesh  
 Advocates.

**AWARD**

This is a case taken under Sec. 2A (2) of the I. D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W. P. No. 8395 of the 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts of the case are that the Petitioner was initially appointed as Temporary Attender in the Respondent Bank and subsequently he was appointed on regular basis w.e.f. 19-10-1984. The Petitioner belongs to



SC (Madiga) Community and he has five children, wife and mother. The Petitioner's family has about  $3\frac{1}{2}$  Acres of land and it was cultivated with active participation of his wife and mother.

3. During 1995, to meet the cost of cultivation the Petitioner's family borrowed a sum of Rs. 20,000 from one Sri Seetharamaiah. Since the Petitioner was employed in a Nationalised Bank the lender insisted on lending the said sum in the name of the Petitioner. During the period when the crops were under cultivation his family regularly paid the periodical interest @ 24% to Sri Seetharamaiah. Due to natural calamity in the form of flash floods in 1995-96 they lost their entire crops. This delayed repayment. Initially Sri Seetharamaiah filed a suit against the Petitioner before Hon'ble Principal Junior Civil Judge Court, Nandyal in OS 97/98 and while the said suit was pending, Sri Seetharamaiah submitted a Petition in IP 10/99 on the file of Court of Hon'ble Senior Civil Judge, Nandyal under the provisions of Provincial Insolvency Act, 1920 to declare the Petitioner as Insolvent. The Petitioner had entrusted the case filed against him to one Sri J. Swamy Reddy, Advocate to defend him. He was informed by Sri J. Swamy Reddy that as and when his presence is required a letter will be sent to him, thereafter there was no communication to him from his advocate.

4. The Petitioner received a letter No. 16(E)/13L/IRD dated 9-10-2000 from Zonal Office, Syndicate Bank informing him that on the Petition of Sri G. Seetharamaiah he has been declared insolvent. Till such time the Petitioner was totally in dark about the developments in the court. Immediately on knowing about the order dated 6-7-2000 he filed an IA 52/2000 in IP 10/99 on 3-11-2000 seeking to set aside the ex-parte order dated 6-7-2000 passed in IP 10/99.

5. The said Petition IA 52/2000 was ordered on 3-8-2001 and the ex parte order dated 6-7-2000 passed in IP 10/99 was set aside. Ultimately IP 10/2000 was dismissed as "not pressed", by an order dated 12-2-2002.

6. The Petitioner was shocked to receive a communication bearing No. 267/ZOH/PS/AS/415215/2002 dated 5-2-2002 from the General Manager, Syndicate Bank, Personnel Section (Award Staff) 6-3-653 Pioneer House, Zonal Office, Somajiguda, Hyderabad intimating him that a court of competent jurisdiction has declared him as "INSOLVENT" as per order dated 6-7-2000 in IP 10/99, and by invoking Sec. 10(1)(b) (i) of Banking Regulation Act 1949 "TERMINATED" his services with immediate effect. Ex parte order passed in IP 10/99 was set-aside in IA 52/2000 on 3-8-2001. He was never adjudicated as insolvent it was only an ex parte order and the debt was discharged in full and final settlement. Hence the dismissal order dated 5-2-2002 may be set aside.

7. A counter was filed. In the counter the jurisdiction of the court was challenged which need not be decided

again as it was already decided at the 1st para of this Judgement. It was further stated that section 10(1)(b) of the Banking Regulation Act 1949 reads as follows :—

"No banking company shall employ or continue the employment of any person who is, or at any time has been, adjudicated insolvent, or has suspended payment or has compounded with his creditors, or who is, or has been, convicted by a criminal court of an offence involving moral turpitude."

Therefore, he was dismissed. Hence, he is not entitled for any relief.

8. Although enquiry was conducted, unfortunately neither side brought to my notice. Any way the said finding was only on the alleged admission of the Petitioner. The Petitioner examined him self as WW1. I have gone through the domestic enquiry proceedings for deciding the validity of the same as per the Hon'ble Supreme Court Judgement in A.I.R. 1963 page 1914.

9. The Hon'ble Supreme Court held, "An enquiry cannot be said to have been properly held unless :

- (1) The employee proceeded against has been informed clearly of the charges levelled against him.
- (2) The witnesses are examined—ordinarily in the presence of the employee—in respect of the charges.
- (3) The employee is given a fair opportunity to cross-examine the witnesses.
- (4) He is given a fair opportunity to examine witnesses including himself in his defence if he so wishes on any relevant matter, and
- (5) The Enquiry Officer records his findings with reasons for the same in his report".

10. Let us see whether the above five conditions are fulfilled in this case :

**Point No. 1 :** Let us see the charge sheet. The charge sheet is very clear and specific and there cannot be any misunderstanding of the charges. Hence, I hold point number one in favour of the Management.

**Point Nos. 2, 3 and 4 :** The Petitioner has been examined and he admitted that the charge sheet is correct. No Management witness is examined but Ex. MX1 to MX5 are marked in the enquiry. Hence, no question of cross-examining any Management witness or defence witness arise. Hence, point numbers 2, 3 and 4 are held in favour of the Management.

**Point No. 5 :** The Enquiry Officer has given reasonings for coming to the conclusion. Hence, I hold this point also in favour of Management.



As all the five conditions laid down by the Hon'ble Supreme Court stand to test, I hold that the enquiry conducted is valid. Therefore, evidence of WWI is eschewed.

11. The Learned Counsel for the Petitioner argues that after all it is an ex parte order which has been set aside. He submits that Ex. W3 is fixed which shows that the Petitioner was ex parte was declared insolvent. Ex. W4 is filed to set aside the insolvency order. Ex. W9 is memo filed for dismissal of IP. So it is crystal clear that it is an ex parte order and it is set aside and full amount is paid. So he submits that he relied on Judgement reported in 2001 II L.J. page 384 wherein his lordship referred to the Judgement of Supreme Court in Sengara Singh Vs. State of Punjab wherein the Apex court held that persons of similarly situated were given reinstatement. He also referred to the facts in the case.

"S. Subbaraya Davey was declared insolvent by an ex parte order dated September 27, 1982 and therefore, he filed an application to set aside the same as he was not heard before he was declared as insolvent. Before the disposal of the application to set aside the ex parte order dated September 27, 1982, it appears that he had settled the dues payable to the creditors, as a result of which, the application to set aside the ex parte order dated September 27, 1982 was allowed and ultimately, the insolvency Petition itself was dismissed".

12. He also filed several cases to show that by setting aside the ex parte order the Petitioners are restored in their original position. He therefore, prays that he may be reinstated with back wages and all attendant benefits.

13. The Learned Counsel for the Respondent argues that the very Judgement of the Madras High Court cited by the Learned Counsel for Petitioner is against the Petitioner because although the order of insolvency is set aside yet the Writ Petition was dismissed. In that case also the Petitioner has gone to High Court and in the admission stage itself withdrew the Petition.

14. It may be noted that the Petitioner has been dismissed on being declared insolvent by the court on 6-7-2000 and dismissed on 5-2-2002. It may be seen he was dismissed on 5-2-2002 and on 12-2-2002 the IP 10/99 was dismissed as not pressed. The order in 1A 52/2000 setting aside the insolvency order was passed on 3-8-2001 before his termination. The counsel for the Petitioner in IP informed on 8-1-2001 that entire amount was paid. In fact the Enquiry was stated and chargesheet itself is issued on 5-7-2001. In the enquiry it was written that Shri Durga Prasad, the advocate for the creditor has given a letter that the Petitioner has discharged the dues by paying Rs. 35,000. So it may be seen that during the enquiry itself he paid and it is an ex parte order and the Petitioner belongs to SC community and although and unfortunately in the present days almost everyone tries to live beyond ones

means and it is the main reason for corruption. People associate dignity of a human being with the material things one possesses. The attitude of the society at large also has to change. The dignity of a human being should not be judged by the material things one possesses but by his honesty, integrity and good manners. Be that may be so, the Petitioner belongs to a weaker section, he already has undergone punishment for more than 3 years and as he was not declared insolvent by adjudication but by an ex parte order which was set aside and even the amount was paid during the enquiry conducted. Hence, I am of the opinion that said ex parte order cannot be acted upon. Hence, the order of dismissal dated 5-2-2002 is hereby set aside and the Petitioner is directed to be reinstated within 30 days from the date of publication of the award on last pay drawn without giving any increments. The period from 5-2-2002 till he is reinstated shall not be counted for any purpose except for terminal benefits.

Award passed accordingly. Transmit.

Dictated to Shri J. Vijaya Sarathi, LDC transcribed by him, corrected and pronounced by me, on this the 15th day of April, 2005.

E. ISMAIL, Presiding Officer

#### Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

#### Documents marked for the Petitioner

NIL

#### Documents marked for the Respondent

NIL

नई दिल्ली, 26 जुलाई, 2005

का. आ. 2969—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 113/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-7-2005 को प्राप्त हुआ था।

[सं. एल-12025/3/2005-आई. आर. (बी-II)]

सी. गंगाधरन, अवसर सचिव

New Delhi, the 26th July, 2005

S.O. 2969.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 113/2002) of the Central Government Industrial Tribunal-cum-

Labour Court, Hyderabad as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of Syndicate Bank and their workman, which was received by the Central Government on 25-7-2005.

[No. L-12025/3/2005-IR(B-II)]  
C. GANGADHARAN, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

#### PRESENT:

Shri E. Ismail, Presiding Officer

Dated the 29th April, 2005

Industrial Dispute L. C. I. D. No. 113/2002

#### BETWEEN:

Sri P. Narsimhulu,  
C/o 2-2-1137/8/1/B/1,  
New Nallakunta,  
Hyderabad

... Petitioner

#### AND

1. The Branch Manager,  
Syndicate Bank,  
Bichkunda Branch, Bichkunda,  
Nizamabad.
2. The General Manager,  
Syndicate Bank,  
Head Office,  
Post Box No. 1,  
Manipal-576119

... Respondents

#### APPEARANCES:

For the Petitioner : M/s. B. G. Ravindar Reddy &  
B. V. Chandra Sekhar Advocates

For the Respondent : Shri A. Krishnam Raju,  
Advocate.

#### AWARD

This is a case taken under Sec. 2A (2) of the I. D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W. P. No. 8395 of 1989 dated 3-8-1995 between Sri. U. Chinnappa and M/s. Cotton Corporation of India and two others.

The brief facts of the case as stated in the Petition are that the Petitioner was appointed as Attender in 1982 thereafter he was promoted as clerk in 1990. While he was working at Kamareddy branch, one Smt. Lakshmi who was holding Account No. 13292 came to bank on 10-2-1992 to deposit amount alongwith her son. She deposited Rs. 30,000 at cash counter. She produced counterfoil and

pass book for necessary entries. The Petitioner recorded entries basing on counterfoil produced by her.

The Petitioner was issued a chargesheet dated 8-1-1996 alleging while he was working as clerk at Kamareddy branch on 24-12-1991 as cashier, he accepted the amount asked Jamaluddin, clerk to make an entry in pass book and did not account the money in the books and paid the money to the account holder in instalments. It is also alleged that he issued several cheques without maintaining sufficient funds. He denied the charges but a mechanical enquiry was conducted and he was dismissed from service.

Much is said about Domestic Enquiry which need not be gone into as this court already given a detailed order holding that the domestic enquiry is validly conducted.

A Counter was filed stating that on basis of complaint made by a customer viz., Ms. B. Lakshmi which appearing prominently against him, a charge sheet was issued and a domestic enquiry was conducted as per the provisions of bipartite settlement and in accordance with principles of natural justice. In fact Smt. B. Lakshmi, the complainant is illiterate and belongs to same village having acquaintance with the Petitioner has approached him on 10-10-1992 for depositing Rs. 30,000 into her S. B. Account No. 13292 even though he was not functioning as cashier on that day. He struck off the earlier entry of Rs. 25,000 and made an entry of Rs. 30,000 on 10-10-1992 and raised the balance from Rs. 73.10 to Rs. 30,073.10. Infact, the handwriting of Petitioner in the pass book was confirmed by the Dy. Examiner of Questioned documents and he himself was appeared as Management witness. Further the Petitioner having received Rs. 30,000 on 10-10-1992 from the party though not being the cashier on that day failed to prepare a challan and handover the same to cashier for making necessary entries. As the charges are proved the Petitioner was dismissed from service.

It is argued by the Learned Counsel for the Petitioner that the Petitioner is working since 1982, the alleged incident has taken place in 1991, and the chargesheet is in 1996. It is not as if the customer has incurred any loss or the bank suffered any pecuniary loss and the punishment is not proportionate to the alleged offence. Hence, he may be reinstated.

It is argued by the Learned Counsel for Management that this is a question of pecuniary irregularities and in several cases the Hon'ble High Court & Supreme Court has held that no mercy should be shown to him. Therefore, the dismissal order may be confirmed.

I have gone through the chargesheet. It clearly establishes in the evidence that the Petitioner has been guilty of monetary irregularities. Not only that handwriting experts have been examined. Shri Sambasiva Rao is

examined who deposed about two transactions of Rs. 25,000 and Rs. 30,000 and he also spoken about his 3rd party dealings without keeping sufficient balance. There are as many as 10 transactions in his account and 10 transactions in his wife's account. He was cross-examined at length and similarly MW2 also spoken to. MW3 is none other than the handwriting expert and has been cross-examined. And even the complainant has been examined. So it may be seen that it is clearly established that the Petitioner is guilty of pecuniary malpractices dealing with the money of customer who might need the same suddenly. Hence, I am of the opinion that no sympathy can be shown. Accordingly, an award is passed confirming the order of dismissal dated 8-6-1998. Transmit.

Dictated to L. D. C., transcribed by him, corrected and pronounced by me in the Open Court on this the 29th day of April, 2005.

E. ISMAIL, Presiding Officer

#### Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

#### Documents marked for the Petitioner

NIL

#### Documents marked for the Respondent

NIL

नई दिल्ली, 26 जुलाई, 2005

क्रा. आ. 2970—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईस्टर्न नेवल कमांड, विशाखापत्तनम् के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या एल. सी. आई. डी.-119/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-7-2005 को प्राप्त हुआ था।

[ सं. एल-14025/2/2005-आई. आर. (डी. यू.) ]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 26th July, 2005

S.O. 2970.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LCID-119/2004) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Eastern Naval Command Visakhapatnam and their workman, which was received by the Central Government on 26-7-2005.

[No. L-14025/2/2005-IR(DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

#### PRESENT :

Shri E. Ismail, B.Sc. LL.B., Presiding Officer

Dated the 31st March, 2005

**Industrial Dispute L. C. I. D. No. 119/2004**

(Old I. T. I. D. No. 35/2002 transferred from VSP)

#### BETWEEN :

Sri S. Sanyasirao,  
H. No. MIG/1/314,  
Pothinamallayapalem,  
Visakhapatnam-530041

... Petitioner

#### AND

1. The Chief of Personnel  
(Appellate Authority)  
Naval Head Quarters,  
New Delhi-110011.

2. The Flag Officer Command-in-Chief,  
Eastern Naval Command,  
Naval Base,  
Visakhapatnam-530014.

... Respondent

#### APPEARANCES :

For the Petitioner : Sri K. Balakrishna,  
Advocate.

For the Respondent : Sri D. Ramesh, Advocate.

#### AWARD

This is a case taken under Sec. 2A (2) of the I. D. Act, 1947 by the Labour Court, Hyderabad in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W. P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others transferred to this Court in view of the Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR (C-II) dated 18-10-2001 bearing I. D. No. 35/2002 and renumbered in this Court as L. C. I. D. No. 119/2004.

2. The petitioner filed this petition under Sec. 2A(2) stating that he was Upper Division Clerk, Naval Dockyard, Visakhapatnam. He was appointed in October, 1975. He was compulsorily retired by the Disciplinary Authorities. In the year 1998 he fell sick and as a result of which he submitted leave application appending duly the sick certificate issued by the competent medical officer. Nevertheless overstayed for he was suffering from withdrawal symptoms that were set-in due to the disease

with which he suffered from. That apart from the stress and strain being caused by the management in requesting him to attend various joint meetings with the management. The uprightness of the Petitioner resulted in mala fides of the management and somehow waiting for the chance to take action as to avoid him and on a frivolous charge of unauthorized absence for a specific period, he was discharged. Even the Appellate Authority did not consider his case. Hence, he may be reinstated.

3. A counter was filed stating that the Petitioner is not an industrial worker and does not come within the purview of the Industrial Disputes Act, 1947. The Petitioner has remained unauthorizedly absent from 5-1-98 to 30-3-99. The Petitioner initially submitted a medical certificate issued by one Dr. Abbulu, Civil Assistant Surgeon who advised him to take bed rest. Actually the Petitioner was transferred from Naval Dockyard, Visakhapatnam to Naval Coast Battery, Visakhapatnam as per the transfer policy along with 192 others vide Headquarters, Eastern Naval Command, Visakhapatnam order dated 17-12-97. The transfer order was taken to effect from January, 1998, he did not report for duty and remained continuously unauthorizedly absent. Thus, he remained unauthorizedly absent on 5-1-98 to 31-3-99 and did not choose to respond to the directions given by the authorities. Nor he submitted any medical certificate to prove his illness. The applicant during the period of his absence ~~to~~ the duty regularly attended the meetings of the union and he has canvassed for his election to the post of Working President of INCE union. During August, 1998 he had contested for the post of Working President INCE union was elected to the post w.e.f. 4-8-1998. He, as a General Secretary of ND(V) SC/ST Civilian Uplift Association (Unrecognized) had also adopted agitation methods w.e.f. 15-2-1999 including gate meetings, slogan shouting etc., relay hunger strike from 22-2-99 and finally fast unto death from 25-3-99 which was concluded on 30-3-99. Though the Petitioner was active in union activities and was attending to the union meetings and elections did not turn up to the duty and he was back on 31-3-99. As he remained continuously absent a charge sheet was issued to him. That an enquiry was conducted and ultimately he was retired compulsorily vide orders dated 12-1-2000. Against which he submitted an appeal which was also rejected. Hence, there are no merits in the case.

4. A memo was filed conceding that the domestic enquiry is validly conducted.

5. It was argued by the learned counsel for the petitioner that the petitioner was appointed as UDC in 4 October, 1975 and due to his absenteeism. He has been compulsorily retired. The alleged misconduct is not such a serious one after having put in 23 years of service to warrant compulsory retirement. Hence, he prays that he may be reinstated.

6. It is argued by the Learned Counsel for the respondent that the alleged sickness is false for the simple reason that he has been keenly involved in the association activities and attended meetings of the Union and he has contested for the post of working President and elected on 4-8-1998. Hence, the alleged sickness is false. Actually the fact was that he was transferred from Naval Dockyard, Visakhapatnam to Naval Coast Battery, Visakhapatnam as per the transfer policy along with 192 others. The transfer order was to take effect in Jan. 1998. So he remained unauthorizedly absent from 5-1-1998 to 31-3-1999. Hence, he deserves no sympathy and the order of the compulsory retirement is correct.

7. It may be seen that the apparent reason for his absence seems to be his transfer. But taking into consideration that he has been working since October 1975, I am of the opinion that he may be given one chance to amend himself. Award is passed setting aside the order of the compulsory retirement on certain conditions. He shall be reinstated within 30 days from the publication of this award on the following conditions :

1. He shall be reinstated on the last pay drawn without giving any increment.
2. He will not be entitled for any back wages from 5-1-98 till he is reinstated. If he is paid any wages from 5-1-98 to 13-3-99 or till the date of his retirement dated 12-1-2000, the same shall not be recovered.
3. The above period from 5-1-98 till he is reinstated shall not be counted as period in service for any purpose including retirement benefits. However, his service from October, 1975 till 5-1-98 shall be counted as service for the purpose of retirement and other benefits.
4. He shall be reinstated within 30 days from the date of publication of the award and wherever he is posted. If he is not reinstated as above, he will be entitled to monthly wages as per last pay drawn.

Dictated to Smt. K. Phani Gowri, Personal Assistant, transcribed by her, corrected by me and given under my hand and seal of this court on this 31st March, 2005.

E. ISMAIL, Presiding Officer

#### Appendix of evidence

No oral or documentary evidence has been adduced on either side.

नई दिल्ली, 26 जुलाई, 2005

का. आ. 2971—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साउथ ईस्टर्न रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच,

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या आई. डी. 89/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-7-2005 को प्राप्त हुआ था।

[सं. एल-41014/2/2005-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 26th July, 2005

**S.O. 2971.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I. D. No. 89/2004) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of South Eastern Railway and their workman, which was received by the Central Government on 25-7-2005.

[No. L-41014/2/2005-IR(B-I)]

AJAY KUMAR, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

#### PRESENT:

Shri E. Ismail, B.Sc., LL.B., Presiding Officer

Dated the 11th day of April, 2005

Industrial Dispute L. C. I. D. No. 89/2004

(Old I. D. No. 89/2001 transferred from IT-cum-Labour Court, Visakhapatnam)

#### BETWEEN:

S. Swamy Naidu Petitioner

AND

Divisional Railway Manager,  
South Eastern Railway,  
Visakhapatnam, Respondent

#### APPEARANCES:

For the Petitioner : Sri D. Jagannadha Murthy,  
Advocate.

For the Respondent : Shri K. Dakshina Murthy,  
Advocate.

#### AWARD

This is a case taken under Sec. 2A (2) of the I. D. Act, 1947 by the Industrial Tribunal-cum-Labour Court, Visakhapatnam in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W. P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and

M/s. Cotton Corporation of India and two others and transferred to this Court in view of the Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR (C-II) dated 18-10-2001 bearing I. D. No. and renumbered in this Court as L. C. I. D. No. 89/2004.

The brief facts of the case are that the Petitioner was appointed as cleaner keeper in Steam Loco Shed Staff Canteen on 1-12-82. No appointment order was given to him. However, an Identity Card was issued to the Petitioner when the said date of appointment was mentioned specifically. Since then the Petitioner continued to work uninterruptedly upto 16-11-88. Consequent upon Hon'ble Supreme Court interim direction during 1983, the Railway Board instructed all zones to pay wages to canteen staff on par with Railway employees, but the railway board instructions have not been implemented and are not paid accordingly by the Respondent. The Petitioner further submitted that subsequently 3 staff members working with Petitioner filed 3 cases before the payment of wages authority at Visakhapatnam and finally District Court ordered to pay arrears before 15-1-88. Accordingly arrears are paid to all the 12 canteen employees. The Petitioner's services were orally terminated on 16-11-88 without assigning any reason or following any due procedure. He made a representation on 19-5-96 but to no avail. He subsequently, approached Assistant Labour Commissioner (C), Visakhapatnam and conciliation proceedings were held between the Petitioner and the Management on 6-5-97. The conciliation proceedings failed. The report was sent to Government of India which was refused on following grounds:

"The dispute was raised belatedly without furnishing adequate reason to justify the delay dated 17-3-1998."

Thereafter the Petitioner moved to Supreme Court legal services committee which advised him to approach the Labour Court under section 2(A)(2) of the ID Act. Hence, he approached this Labour Court. At the time of termination, he was drawing a salary of Rs. 1,032 per month. He has put up continuous service from 1-12-82 to 16-11-88. The Petitioner was illegally terminated on 16-11-88 without any notice or pay in lieu thereof. Hence, the Petitioner may be reinstated with all back wages with all attendant benefits and with continuity of service.

A Counter was filed stating that there is no employer-employee relationship between the Respondent and the Petitioner. The Petitioner in his claim statement stated that he was appointed as cleaner keeper in steam loco shed staff canteen on 1-12-82. The same Petitioner in the conciliation proceedings before the Assistant Labour Commissioner (C) on 6-5-97 has stated that he was appointed as Asst. Store Keeper in steam Loco Shed Staff Canteen on 1-12-82 and in another breath he vide his representation to the ALC(C) has conspicuously omitted

any designation assigned to him but referred himself as 'Staff' of Steam Loco Shed Staff Canteen. This would go to show that the Petitioner himself is not aware of his designation. He was never a workman and he was never appointed. In a statement signed by him on 14-8-88 he stated as that he worked as painter under a contractor at Visakhapatnam and between 6-8-85 to 21-7-86 he worked as mazdoor at Visakhapatnam. This statement cuts at very stand that he worked at Canteen between the period 1-12-82 to 16-11-88. After he moved to ALC(C), Visakhapatnam, the Government of India refused to refer even though according to claim statement the communication was received in. If he is a genuine worker he would have approached the authority under Payment of Wages Act. As the president of canteen stated vide letter dated 19-8-88 that no person by name S. Swamy Naidu, the Petitioner herein, have been appointed and the Respondent has initiated disciplinary action against B. Rama Krishna, the former Canteen Manager who with ulterior motives fraudulently included the petitioner's name and claimed subsidy from the Respondent and he was reduced to lower scale and the amount was recovered. That the reason for delay that he had no proper advise is false. Hence the Petition may be dismissed.

The Petitioner deposed to the facts stated in the Petition. He deposed that he moved alongwith 11 others to the authority under Payment of Wages Act. Accordingly, the payment ordered was paid by the Management. He was asked orally not to come to duty from 16-11-88. Then speaks about conciliation proceedings etc. He marked Ex. W1 is ID Card, Ex. W2 to W4 are office copies of representations made to Respondent Management. Ex. W5 to W7 are notices issued to him to appear before ALC(C). Ex. W8 issued by ALC(C) informing failure of conciliation. In the cross-examination he deposed that he was not given appointment order in writing. He worked in steam loco shed canteen. The canteen is exclusively for railway employees but not for outsiders. The ID card was given on 1-12-82. He filed Petition before ALC(C) in 1996. It is true that he received a letter from Government of India refused to refer the dispute but he did not challenge the order in Hon'ble High Court. That he is one of the party filed in District Court. He has not filed any document showing that he is one of the party. It is true that he received Rs. 22,000 being the arrears for 1982 to 1986. A Letter dated October 1988 addressed by Honorary Secretary bears his signature. The representation dated 12-1-93 is Ex. M1. Ex. M2 is my bio-data given to loco shed staff canteen. It is true that in Ex. M2 he worked as painter under a contractor by name K. Rama Krishna Rao. It is true that he worked as mazdoor in DGNG, Visakha. In the re-examination he deposed that after shift duties he worked as painter under Rama Krishna. He was then recalled as per 1A. He marked his wage slip as Ex. X1 for October 1983. Ex. X2 proceedings in staff canteen. X3 is the salary

sheet for March 1987. X4 is salary sheet for December 83 and X5 is muster roll for November 1988. In further cross-examination he deposed that he worked continuously from 1-12-82 to 16-11-88. It is true in the acquittance register in 1983 April and June his name was not found. It is not true to suggest that he did not work in the canteen from 1983 to 1985. The muster bears his signature. The railway demanded to pay back some amount. It is not true to suggest that the Management issued notice before terminating his services. He denied that he absconded from service. Sharma, a stenographer was deposed as WW2. He deposed that the report of the ALC(C) is not complete and the complete report will be available with RLC(C) and Secretary, Ministry of Labour. WW3 deposed that he retired from service after superannuation. He knows the Petitioner from 1983 to 86 as a cleaner in the canteen. He filed three cases before Payment of wages authority. Petitioner is not one of the claimants. The employees of the Canteen are employees of Railways. Ex. W11 is the Xerox copy of the letter dated 18-5-1990 from Ministry of Railways. Original of X1 to X5 are with High Court in connection with the Canteen worker by name G. Swamy Naidu. In the cross-examination he deposed that he was aware that Disciplinary action was taken against one Mr. B. Rama Krishna in a matter pertaining to Petitioner and another workman. He is not aware Railway authority issued notice to Petitioner that he misappropriated Rs. 16,000 and odd.

MW1 deposed that he is working as office superintendent in the Respondent concern. The Canteen is an non-statutory canteen and elected body will look over it. 70% of the staff wages will be given in the way of subsidy by the Railways. The Respondent does not recruit employees of non-statutory Canteens. X6 is the list of workers working in non-statutory canteens. He filed wage register copy for 1983 to 85 and they are X7 and X8. They did not reveal the name of the Petitioner. Ex. M2 discloses that Petitioner worked under some private contractor between 1983 to 86. The Petitioner is not among the 10 people approached who claimed difference of wages. The ten secretary by name Rama Krishna included the name of this Petitioner and another by name R. Rama Krishna and made payments and the Management issued a show-cause notice, which is X10. X11 is termination order dated 30-1-89. Ex. W1 is issued by Staff Canteen not by Railways. In the cross-examination he denied that he is deposing falsely. It is true that in X10 it is mentioned that the workman worked in the canteen.

The Learned Counsel for the Petitioner argued that the Petitioner was appointed as cleaner in the Steam Loco Shed Staff Canteen on 1-12-1982 in the Management organization. At the time of joining no appointment order was given by the respondent official. Since then he worked uninterruptedly upto 16-11-88. On 16-11-88 this Respondent illegally terminated the Petitioner from service

without any prior notice or pay in lieu thereof nor paid any retrenchment compensation. At the time of alleged termination he was drawing Rs. 1,032 per month. The workman submitted his representation dated 19-5-96 and 5-5-97 to the Respondent officials but there was no response. The workman approached the ALC(C) for the said termination but the conciliation proceedings ended in failure. The appropriate Government refused to refer the matter on the ground that the dispute was raised belatedly. The workman submits that on the advice of the Supreme Court legal cell committee he moved an application under Section 2(A)(2) of the ID Act before this Court.

He further submits that no termination order was issued whereas X9 and X10 the Management has categorically mentioned a sum of Rs. 16020.50 ps dues to be returned to them and no enquiry has been initiated against the said allegation. He also relied on (2000) 9 Supreme Court cases page 496 that if the order of termination challenges belatedly, the dispute would still continue for adjudication. The only question would be to deprive back wages for the period of delay in raising such dispute. Therefore he submits that the Petition may be allowed.

It is argued by the Learned Counsel for the Respondent that the Petitioner has come to this court without challenging the order of refusal passed by the Government of India. That he further argued that the Petitioner never worked in the Canteen and it is clear from the fact that 10 persons moved to authority under Payment of Wages Act and according to WW3 the Petitioner was not one of the claimants. The matter was further strengthened by letter dated 19-8-88 by Honorary Secretary of the Canteen that no person by name S. Swamy Naidu was appointed and disciplinary action was taken against him and another B. Rama Krishna, former Canteen Manager and he was punished by lowering his scale besides recovery of amount and he admitted that he received the copy on 8-11-88. He therefore submits that the Petitioner is not entitled for any relief.

It may be noted that there is dispute as to what period he worked but there cannot be any dispute that he worked in the Canteen because X10 is the show-cause notice given to him that he is absenting from 16-11-88 and X11 is the dismissal order. So once thing is clear that he is employee what period is in dispute. Further in Ex. M2 mentioned that he is working in Canteen as cleaner from 1-12-82 and during the relevant time from 1983 to 1985 as painter under a contractor and 6-8-85 to 21-7-86 as mazdoor. So it is not only as if he dependent on this work and mere delay if self is not a fault but here he has terminated from 30-1-89 and approached ALC(C) in 1997. Seeing the circumstances that he is a painter and Mazdoor also and Ex. M2 is given by him alone, it can be safely presume that he was busy seeking one avocation or other and when other avenues get closed he thought of approaching the

court. Seeing the overall circumstances the delay in this case is fatal. Hence, an award is passed that the Petitioner is not entitled for any relief.

Award passed accordingly. Transmit.

Dictated to Shri J. Vijaya Sarathi, L.D.C. transcribed by him corrected and pronounced by me on this the 11th day of April 2005.

E. ISMAIL, Presiding Officer

#### Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1—S. Swamy Naidu	MW1-M. Laxman Rao
WW2—BHG Sarma	
WW3—R. Sambasiva Rao	

#### Documents marked for the Petitioner

- Ex. W1 : Identity card
- Ex. W2 : Office copy of representation made to Management.
- Ex. W3 : Office copy of representation made to Management.
- Ex. W4 : Office copy of representation made to Management.
- Ex. W5 : Notice issued by ALC(C), Visakhapatnam.
- Ex. W6 : Notice issued by ALC(C), Visakhapatnam.
- Ex. W7 : Notice issued by ALC(C), Visakhapatnam.
- Ex. W8 : Failure report of ALC(C), Visakhapatnam, dt. 9-5-97.
- Ex. W9 : Letter addressed by Central Government to Petitioner.
- Ex. W10 : High Court notice and affidavit in WP No. 9622/2000.
- Ex. W11 : Letter addressed by the Ministry of Railway.

#### Documents marked for the Respondent

- Ex. M1 : Letter addressed by the workman to Management dt. 12-1-1993.
- Ex. M2 : Bio-data of workman dt. 14-8-1988.
- Ex. M3 : Leave rules for employees in the Non-statutory Canteens dt. 21-12-79.
- Ex. M4 : Letter addressed by the Ministry of Railway.



**Documents marked in X-series**

- X1 : Statement showing the wages paid to staff of Locoshed Staff Canteen for the month of October, 1983, dt. 26-11-1983.
- X2 : Proceedings of the Management.
- X3 : Subsidy claim regarding salaries of Waltair Steam Loco Shed Staff Canteen Employees for the month of March 1997
- X4 : Subsidy claim regarding salaries of Waltair Steam Loco Shed Staff Canteen Employees for the month of December 1998.
- X5 : Attendance Register for the month of November 1988.
- X6 : List of workers worked in the Non-statutory Canteen for the period from 14-1-1982 to 30-9-1983 dated 19-8-1988.
- X7 : Wage register for the month of April 1983.
- X8 : Wage register for the month of June 1983.
- X9 : Letter addressed by the Management to the workman dated 29-10-1988.
- X10 : Show-cause notice dated 6-1-1989.
- X11 : Termination order dated 30-1-1989.

नई दिल्ली, 26 जुलाई, 2005

का. आ. 2972.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या आई.डी. 33/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-07-2005 को प्राप्त हुआ था।

[संख्या एल-12012/6/93-आई. आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 26th July, 2005

S.O. 2972.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 33/93) of the Central Government Industrial Tribunal/Labour Court-I, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 25-07-2005.

[No. L-12012/6/93-IR (B-I)]  
AJAY KUMAR, Desk Officer

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT,  
NEW DELHI**

Shri S.S. Bal, Presiding Officer

**I.D. No. 33/93**

In the matter of dispute between :

Shri Narender Kumar Yadav,  
S/o Shri Om Parkash Yadav,  
R/o 60-Sotiganj, Meerut City,  
U.P. 250001.

... Workman

*Versus*

The Branch Manager,  
State Bank of India,  
Branch Office Palhera,  
P.O. : Modipuram,  
Distt. Meerut-250110 (U.P.)

... Management

**APPEARANCES:** Mrs. Geeta Kalra A/R for the workman.

Shri Mukesh Saxena A/R for Management

**AWARD**

The Central Government in the Ministry of Labour vide its Order No. L-12012/6/93-IR(B-I) dated 23-3-93 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether Shri Narender Kumar Yadav, Canteen Boy is a workman of State Bank of India ? If so, whether the action of the Management of State Bank of India in terminating the services with effect from 21-2-91 is justified. If not, to what relief the workman is entitled to and from what date ?"

2. Briefly stated the facts of the case as culled from record are that the workman Shri N.K. Yadav claims that he was appointed as Peon-cum-Messenger by the Branch Manager of Palhera Branch of State Bank of India on 1-1-86 but he was given designation as Canteen Boy which is not in consonance with the Bipartite Settlements. In fact workman was required to perform regularly the not paid salary and was paid very meagre amount and his services were terminated on 1-6-86 F.N. and action of termination was malafide and motivated to deny the workman his legitimate right and entitlements. He was again appointed on the same post at the same branch w.e.f. 1-8-89 after discharge of duty of Peon-cum-Messenger in the sub-staff cadre but again he was capriciously given the same old designation of 'Canteen Boy' after completion of six months continuous service on 31-1-90 the workman requested the branch manager Palhera branch to regularise the services of the workman as Peon-cum-Messenger as he was assured that he would be regularised but again he requested for regularisation of service on 31-8-91 when he was again told that his case was being considered and has been sent to the Regional Manager for necessary action. His services



were abruptly terminated on 21-2-91 forenoon verbally without any notice, without any wages in lieu of charge sheet, and/or any opportunity and so much so without the issuance of any letter of termination assigning therein reasons therefore. The workman had completed more than 240 days continuous service within a block of 12 consecutive months starting from the date of his joining service on and w.e.f. 1-8-89 and also within the block of 12 consecutive months immediately preceding the date of termination/retrenchment of his services on 21-2-91. The workman submitted his representation to the Branch Manager but of no use. He has not been given any notice or notice pay or any retrenchment compensation as required under the I.D. Act; that the action of the management in terminating the services of the workman is malafide and violative of article 21 and amounts to retrenchment under section 2 (oo) of the I.D. Act and the same is also void ab initio and in violation of section 25-F and G of the I.D. Act and against the terms of Sastry Award. The workman is entitled to reinstatement with full back wages and as such he has claimed reinstatement with full back wages.

3. Case has been contested by the management by filing written statement denying contents of the claim stating therein that the workman was never appointed as a Messenger-cum-Peon as claimed and that there does not exist any relationship of employer and employee between the respondent and the workman and that he was only engaged by Local Implementation Committee and associate body of the staff of the bank on consolidated wage of Rs. 330 PM. The management of canteen is neither owned or controlled by the respondent. The canteen was being run for use of the staff members and no on no profit and no loss basis by the Local Implementation Committee, which is entirely different from commercial hotels and restaurants. However, claimant having been engaged on consolidated wages duly accepted by him, is not entitled to any other benefit under the conditions of his employment and the dispute raised by him is liable to be dismissed on this short ground.

4. Written statement was followed by rejoinder wherein contents of the claimant's claim statement were reiterated to be corrected and those of written statement were denied.

5. Thereafter evidence was adduced by both the parties. Management adduced evidence of Mrs. Beena Sarabhai by filing her affidavit she was cross-examined as MW1 and Mahesh Kumar Goyal who was also cross-examined as MW2, while the workman filed his own affidavit in evidence and was cross-examined as WW1.

6. After close of the evidence of both the parties arguments were addressed by Mrs. Geeta Kalra A/R for the workman and Mr. Mukesh Saxena A/R for the management and Mrs. Beena Sarabhai Branch manager of the Palhera Branch of State Bank of India.

7. Mrs. Geeta Kalra A/R for the workman contended that the workman was employee of the management as he was appointed as Peon-cum-Messenger though he was

designated as Canteen Boy and he worked for 240 days in a year. Hence he is entitled to reinstatement and that his service has been dispensed with illegally in violation of provisions of law and the terms of Sastry Award and as such workman is entitled to reinstatement with full back wages. On the contrary the A/R for the management refuted the above contentions contending that the workman is not employee of the management as he was never employed as a Peon-cum-Messenger and the management has/had no concern with the canteen and the same was run by the Local Implementation Committee and controlled by the staff of the bank and the management had no control over the same.

8. I have given my anxious thought to the contentions raised on both sides and perused the record meticulously. There is no material on record to show that the workman was ever appointed as Peon-cum-Messenger. In her cross-examination Mrs. Beena Sarabhai MW1 has stated that the letter of workman was sent to the Regional Manager & casual labour could be appointed for purposes of casual work like buying of some material from the market or arranging of files etc. In the event of exigencies of service even a casual labour can be deputed with handling of draft and cheques etc. for clearing which is normally not done. From her cross-examination it appears that some casual labourer might has been engaged by the bank and some letter given to him by the branch manager has been sent to the Regional Manager but the same cannot be read as admission that the workman was appointed as Peon-cum-Messenger as claimed. Moreover it has not been put to MW1 Mrs. Beena Sarabhai in her cross-examination that workman was engaged as Peon-cum-Messenger in her branch of the Bank and he worked for 240 days as claimed by the workman. Mr. M.K. Goyal MW2 has admitted that a sum of Rs. 300 was paid as subsidy by the bank to the Local Implementation Committee for funding the canteen and at present subsidy is Rs. 500 PM. He has also stated that the Bank Authorities do not pay for the workman who worked for the canteen but it given lump sum subsidy which is adjusted in the expenses of the canteen. In January, 1991 Rs. 350 was received as subsidy and Rs. 350 was paid as a Salary to the workman in this case for that month of January, 1991. From the statement of MW1 and WW1 it appears that some messenger was appointed in the bank for doing casual work and that subsidy Rs. 300 or Rs. 350 were paid by the bank for running canteen but the statement of MW1 does not prove or show that the workman was ever appointed as Peon-cum-Messenger as claimed by him. In the absence of any material on record that the workman was appointed as Peon-cum-Messenger as claimed by him I have no option but to hold that he was never appointed as Peon-cum-Messenger as claimed.

9. On the contrary management claims that the workman was appointed as Canteen Boy and worked in the canteen. However, the workman has denied it. MW1 Smt Beena Sarabhai, Branch Manager, of Palhera Branch examined by the management has deposed in her affidavit that Shri N.K. Yadav workman was engaged as Canteen Boy by Local Implementation Committee of Palhera Branch initially from 1-1-86 to 31-5-86 and again from 1-8-89 to

20-2-91 and he was paid his remuneration by Local Implementation Committee every month by cheque from its account with the respondent Bank at Palhera Branch. The respondent bank has no control over the canteen and engagement of Canteen Boy by it. She further deposed that Canteen Boys engaged by Local Implementation Committee are not employees of the bank, are not governed by Sastry/Desai Award and that Shri N.K. Yadav in his letter dated 21-2-91 written to Smt. Beena Sarabhi, then ex-officio Chairman of the Local Implementation Committee of the Palhera Branch of State Bank of India had admitted that he was all along engaged as a canteen boy with the local implementation committee and not as Peon-cum-Messenger. These averments made in the affidavit Ex.MW1/2 have not been challenged in her cross-examination by the workman and thus the testimony of MW1 as disposed in her affidavit that the workman Shri N.K. Yadav was appointed as Canteen Boy goes un rebutted on record and proved that he was appointed as Canteen Boy and not as a Peon-cum-Messenger in bank. It is also proved from the state of MW2 and from the material on record that the employees of the branch at Palhera Branch themselves run the canteen which was controlled by the employees through Implementation Committee and the respondent bank has no control over the same as is evident from the testimony of MW1 which also goes unchallenged or un rebutted on record.

10. In view of the above discussions it is proved that the Canteen being run by the employees of the branch office at Palhera branch was not controlled or managed by the respondent bank and the workman was engaged by the canteen and the employees of the bank. The said canteen was in fact not a statutory canteen and was not under the control of the respondent. Therefore, I am of the opinion that Shri N.K. Yadav Canteen Boy, who was engaged as Canteen Boy is not the workman of the respondent bank and bank has as such no occasion to terminate his services either on 21-2-91 or any other date as claimed and he is not entitled to the relief claimed. The award is accordingly passed. File be consigned to record room.

S.S. BAL, Presiding Officer.

नई दिल्ली, 26 जुलाई, 2005

का. आ. 2973.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इरकान इन्टरनेशनल लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या आई.डी. 2003 का 18) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-07-2005 को प्राप्त हुआ था।

[संख्या एल-41014/1/2005-आई. आर. (बी.-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 26th July, 2005

S.O. 2973.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (I.D. No. 18 of 2003) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of IRCON International Ltd. and their workman, which was received by the Central Government on 25-07-2005.

[No. L-41014/1/2005-IR (B-1)]

AJAY KUMAR, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT HYDERABAD

#### Present :

Shri E. Ismail, B.Sc., LL.B., Presiding Officer

Dated the 15th April 2005

M.P. No. 18 of 2003

#### Between :

Shri G. Venkataramana,  
S/o G. Krishna Murthy,  
D. No. 7-4-6, Seshasai Street,  
Ramaraopet, Kakinada

... Petitioner

#### AND

1. IRCON International Ltd.,  
(Indian Railway Construction)  
O/o Regional Manager,  
P/o Anpara, Present,  
Sombhadra District, U.P.

2. IRCON International Ltd.,  
(Indian Railway Construction)  
68—Jagannadha Bhawan,  
Radhswamy Colony,  
Sick Road, Secunderabad

3. IRCON International Ltd.,  
(Indian Railway Construction)  
Kailka Bhawan, Sector 13,  
R.K. Puram,  
New Delhi-110066

... Respondents

#### APPEARANCES :

For the Petitioner : Smt. N. Anjana Devi, Advocate

For the Respondent : Shri Nooty Ramamohan Rao,  
Advocate

#### ORDER

This is the petition under Sec. 33 C(2) of the Industrial Disputes Act, 1947 by petitioner against the respondent.

2. The brief facts as stated in the petition are that the Petitioner, Shri G Venkataramana after completing diploma in Draftsman Civil has applied for the post of draftsman in the vacancy in the office of the 1st Respondent. He was

offered the post of draftsman (civil) for six month at the daily wage of Rs. 25 vide letter dated 25-3-1985.

He accepted and was given a posting order on 11-1-1986 as Draftsman for a period of Six months from 2-1-1986. After completion of said post and from 3-5-1987 his pay was fixed in the said project in the scale 260-400 by order dated 25-5-1987. The existing scale of Tracer was the same that of a Draftsman was 330-560. In the pay revision the Tracer scale was fixed at 975-1540 whereas Draftsman scale was fixed at 1200-2040. In fact as per Railway Board instructions that the Tracer who processes the Diploma were upgraded as Junior Draftsman in the pay scale 330-560 w.e.f. 1-1-1984. So even as Tracer his pay should have fixed at 330-560. After pay re-fixation his pay was fixed at 950-1540 as Tracer and the Petitioner erroneously requested to fix the pay 975-1540 instead of asking 1200-2040. Accordingly, it was fixed at 975-1540. Thereafter he is entitled for arrears of pay from 13-5-1987 to 14-8-98 amounting to Rs. 2,58,748.88 ps.

3. The Petitioner further humbly submits that he has retired under liberalised voluntary resignation scheme dated 29-7-98 w.e.f. 14-8-98, but the retirement benefits were paid basing on the erroneous, incorrect, lesser amount of last pay drawn. Consequently, the retirement benefits such gratuity, ex-gratia and leave encashment were paid incorrectly and lesser amounts were paid than the Petitioner is entitled to. Likewise bonus and PF of employees contribution and interest there on is paid at lesser amounts than the Petitioner is entitled to.

4. The Petitioner further humbly submits for non payment of retirement benefits under VRS the Petitioner has addressed a letter to the 2nd respondent on 25-9-98 as the Petitioner was working at the office of the 2nd Respondent at Nandyal, AP from March 1994 as per transfer order dated 11-2-1994. Thereupon the 2nd Respondent gave a reply dated 10-10-98 stating that the Petitioner is not eligible for bonus. It is also stated that the scale of pay was given as per IRCON rules. The above contention of the 2nd Respondent are not correct. The arrears of DA, difference of gratuity and difference of exgratia is also not as per entitlement of the Petitioner under the rules, but it is lesser than the entitlement. Hence, the Petitioner has addressed another letter dated 31-10-1998 requesting for the payment of retirement as per entitlement as per rules. The 2nd Respondent again gave erroneous reply dated 7-11-1998. For that the Petitioner sent another letter dated 11-12-1998 requesting for payment as per rules by correct fixation of the pay and allowances. But thereafter there is no reply from the 2nd Respondent and there is no compliance.

5. The Hon'ble Court has got jurisdiction as the Petitioner was working at 2nd Respondent at Nandyal during the relevant period. The petitioner has been requesting for both pensionary benefits as well as re-employment benefits. He in fact filed WP, No. 14474 of 2002 for re-employment & pensionary benefits which is pending before Hon'ble High Court of A.P. hence, he is entitled for correct pay scale from 13-5-1987 till 14-8-1998 without prejudice to rights of Petitioner for re-employment and

fixation of pension in WP No. 14474 of 2002 which is pending before the Hon'ble High Court of A.P.

6. In a reply, the Respondent several objections were taken on misjoinder & non-joinder of parties and further the Petitioner retired on 14-8-1998 and approached this court in 2003. Hence, limitation has expired. No relief can be seek under Section 33(C) can be granted as the respondent denied any amounts are due to the Petitioner.

7. Without prejudice to the above, the Respondent submits that the petitioner/workman was engaged initially on casual basis at the rate of Rs. 25 per day as Draftsman (Civil) by the Anpara Project for a period of 6 months vide order dated 23-12-1985. Subsequently, the Petitioner was given the benefit of monthly rate of payment in the scale of pay of 260-400 vide letter dated 2-5-1987.

8. The contention in paragraph-2 that the Petitioner was required to be placed in the pre-revised scale of pay of Rs. 330-560 revised to Rs. 1200-2040 based on the Railway Board's letter dated 25-6-1985 retrospectively w.e.f. 30-5-1987 is hereby denied. The circular referred to by the Petitioner dated 25-6-1985 does not apply to the employees employed under projects of the Respondents herein or to the employees of the Respondent Company. The said circular regulates the scale of pay of Railway employees only. The scales of pay or the benefits of pay revision of Government of India servants or those of Ministry of Railways do not automatically apply to the employees of IRCON, which is a company.

9. The claim of the Petitioner for re-fixation of his pay after he has resigned under VRS w.e.f. 14-8-98 is stale and is not maintainable. After the jural relationship has ended, no such previously unascertained claims can be raked up. In this view of the matter, the computation and claim made by the Petitioner are mischievous in nature and without any basis as no such liability was admitted by the respondent herein.

10. The contention of the petitioner that he has been paid less towards benefits of ex-gratia payment, leave encashment and gratuity etc., on grant of VRS to him w.e.f. 14-8-1998 is denied. It is significant to note that the petitioner had accepted all the terminal benefits without any demur after finding that the calculations are correctly made and has now after a laps of 5 years waken up to his particular fact and is now contesting.

11. It is submitted that the Petitioner was granted the benefits as admissible under VRS. He made enquiries with regard to his miscellaneous claims viz., TLC, Transportation changes, payment towards, arrears of DA, Bonus, PF, Pension, etc., vide letter 25-9-1998 and the 2nd Respondent herein replied to his queries vide letter dated 10-10-1998 and paid the difference of payment whichever was actually and legally due to the Petitioner vide DD No. 878831 dated 15-10-1998 amounting to Rs. 6,628.50. After receiving the said amount, the Petitioner had further made certain un-acceptable and unreasonable demands vide letter-dated 31-10-1998 to which the detailed reply was sent.

12. The Petitioner himself examined as WW1 and deposed to the said facts stated in the petition and several documents were marked as Ex. W1 to W15. In the cross

examination he deposed that he has filed this Petition for difference in wages from 13-5-1987 to 14-8-98. He filed this application on 19-2-2003 and retired from service on 14-8-1998. He denied that the present application is time barred. That he has filed WP No. 14474/2002 before Hon'ble High Court of A.P. seeking re-employment, payment of pension and also sought arrears of pension for difference in pay scale to the post of tracer and draftsman. He has not filed copy of the Writ Petition.

13. The Management examined Shri D. Suraiah, Asst. Office Superintendent (Accounts) as MWI. He deposed that the Petition is hopelessly bad and time barred. The circular dated 25-6-1985 does not apply to the employees employed under project of the Respondent but it regulates the pay scales of Railway employees only. He files this Petition after 18 years. The Petitioner accepted all the benefits. Hence, the Petition may be dismissed. In the cross examination he deposed that the VRS application was taken under duress. The Petitioner was posted as draftsman vide Ex. M1. It is not true to suggest that although he was appointed as draftsman he was erroneously given the scale of Tracer.

14. It is argued by the Learned Counsel for the Petitioner that he was erroneously given the pay scale and therefore he should be given correct pay scale. As he was appointed and served like a draftsman, hence he is entitled as prayed for in the claim Petition.

15. It is argued by the Learned Counsel for the Respondent that this Petition is not entitled in law as his entitlement to be placed in the pay scale of Rs. 1020-2040, has neither been adjudicated upon earlier nor has been recognised by the Respondents. In fact, the Petitioner pay was fixed at 975-1540 as he himself asked for fixation at 975-1540, which was done. Now he raises it should be between 1200-2040, which is not correct. The draftsman initially placed at 975-1540 and the scale of 1200-2040 is a promotional grade. Even it is his case, he should have been placed under the scale 1200-2040 he should have approached by way of reference. He further submits that in view of Hon'ble Supreme Court of India decision in (1995) 1 SCC 235 the matter is not open to consider under Section 33(C). The Petitioner is under mistaken impression that the rules and policies followed by Ministry of Railways in respect of staff are also applicable to employees of IRCON. It is a mistaken notion. Hence, the Petition may be dismissed. He further submits that the WP No. 14474 of 2002 is still pending before Hon'ble High Court of A.P.

16. It may be noted first of all that he admits in the cross examination that he filed WP No. 14474 of 2002 seeking re-employment after retirement and payment of pension and also sought arrears of pension for difference in pay scale to the post of tracer and draftsman. He has not filed a copy of the Writ Petition. Unfortunately, the Respondent also not filed a copy of the Writ Petition. Hence it is not possible for this court what are the things he asked in Hon'ble High Court of A.P. and what he is asking here. Be that may be so, as per his own admission he sought arrears of pension, payment of pension and also sought arrears of

pension for difference in pay scale to the post of tracer and draftsman. It may amount to matter pending before Hon'ble High Court. Further, a plain reading of Section 33(C) is "when there is no dispute about entitlement of workman, it cannot be invoked in case when the entitlement itself is disputed". Here the very scale of pay is disputed and therefore, the claim amount on that basis cannot be decided. A matter as which pay scale is due to him it self is not decided. Hence, I am of opinion that this court has no jurisdiction under Section 33(C) to decide this matter. The same is further complicated by approaching Hon'ble High Court and simultaneously approaching this court. Hence, the Petition is dismissed unless there is an award by this court as to the scale to which the Petitioner is entitled.

Accordingly, the petition is dismissed.

Dictated to the LDC, transcribed by him, corrected and pronounced by me, on this the 15th day of April, 2005.

E. ISMAIL, Presiding Officer

#### Appendix of evidence

Witnesses examined for the Petitioner :	Witnesses examined for the Respondents :
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NIL

NIL

#### Documents marked for the Petitioner/Workman

NIL

#### Documents marked for the Respondent/Management

NIL

नई दिल्ली, 26 जुलाई, 2005

का. आ. 2974.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कनका दुर्गा ग्रामोण बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या आई.डी. 57/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-07-2005 को प्राप्त हुआ था।

[संख्या एल-12011/78/2002-आई. आर. (बी.-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 26th July, 2005

S.O. 2974.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 57/2003) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kanaka Durga Grameena Bank and their workmen, which was received by the Central Government on 25-07-2005.

[No. L-12011/78/2002-IR (B-I)]

AJAY KUMAR, Desk Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
AT HYDERABAD****Present :**

Shri E. Ismail, B.Sc., LL.B., Presiding Officer

Dated the 2nd May 2005

**Industrial Dispute No. 57/2003****Between :**

Shri P. Jeeva Kumar,  
General Secretary,  
Kanaka Durga Grameena Bank  
Employees Association,  
Veerapaaneni Plaza, Patamata,  
Vijayawada-520 004.

... Petitioner

**AND**

The Chairman  
Kanaka Durga Grameena Bank,  
Head Office,  
Guntur.

... Respondent

**APPEARANCES:**

For the Petitioner : Sri William Burra, Advocate

For the Respondent : M/s. K. Srinivasa Murthy,  
V. Umadevi, C. Vijaya Shekar  
Reddy & B.S. Vani, Advocates

**AWARD**

The Government of India, Ministry of Labour by its order No. L-12011/78/2002-IR(B-I) dated 30-5-2003 referred the following dispute under section 10(1) (d) of the I.D. Act, 1947 for adjudication to this Tribunal between the employers in relation to the Management of Kanaka Durga Grameena Bank and their workman.

**SCHEDULE**

"Whether the action of the Management of Kanaka Durga Grameena Bank, Vijayawada in not giving promotions to the three ex-servicemen employees is justified ? If not, to what relief the workmen are entitled to ?"

This reference was registered as Industrial Dispute No. 57/2003 and notices were issued to the parties.

2. The brief facts as mentioned in the petition are : That the petitioners submit that, Sri P. Venkateshwara Rao, Sri L. Eshwar Rao and Sri J. Bhanu Murthy were appointed in the Respondent bank vide appointment letter dated 3-11-1988 as clerks-cum-cashiers posted at different places in Andhra Pradesh. As per the appointment orders, the Petitioner duties are clerical including receiving, paying, carrying cash and attending to other allied works incidental to handling of cash etc. Before joining the bank, the Petitioners were in defence services for about 10 to 20

years. In terms of Government of India, Ministry of Finance, circular dated 13-8-1986, issued to all the banks, if certain number of years of service is prescribed as a minimum eligibility criteria for promotion from one cadre to another, the banks may suitably modify the rules to give weightage to the Ex-Servicemen on the basis of their service in the defence, in the ratio of 5 : 1, subject to a maximum of 2 years. This benefit will be available only once during their career. The said benefit was extended to the Ex-Servicemen employed by many banks. However, Respondent bank has not extended the said benefits to its three Ex-Servicemen employees viz., S/Sri P. Venkateshwara Rao, L. Eshwar Rao and J. Bhanu Murthy for the purpose of promotion. If weightage is allowed to these three Ex-Servicemen employees their seniority would be on top of the seniority list of clerks recruited during the year 1988. The Respondent Management has also issued letters to the three individuals who were Ex-Servicemen, informing them that the weightage for the period of service rendered by them in defence service would be allowed as per the Central Government guide lines for the purpose of seniority and promotions. It was also indicated that the option exercised will be available to the Ex-Servicemen only once during their career. However, they have not implemented the same in respect of the three Ex-Servicemen. These persons were not promoted from clerical cadre to officers Scale-I by providing due weightage to the services rendered in Defence. The employees of the petitioner association have approached the Respondent bank individually by way of representations. But they turned a deaf year. Hence, they approached the Assistant Labour Commissioner(C) and on failure of conciliation, the above reference was made.

3. The contention of the Management that the three Ex-Servicemen Petitioners have exercised their option and availing special allowance is false and incorrect. They have not opted for any special allowance so far. The Management is trying to interpret that the safe key allowance paid to them whenever they held the safe keys as a special allowance. That safe key allowance is not a special allowance. The safe key allowance is given to all whether he is an Ex-Servicemen or not and that too according to rotation basis. Thus the employees holding safe keys will receive safe key allowance once in three months on rotation basis. In other words every clerk-cum-cashier working in the bank will get his turn for safe key allowance. It is neither continuously paid nor available to Ex-Servicemen exclusively. Hence, the contention of the Respondent bank that these three Petitioners have opted for safe key allowance is false and incorrect.

4. That the Godavari Grameena Bank sponsored by the Andhra Bank is strictly implementing the guidelines given by the Government of India. The Government of India i.e., the Ministry of Finance circular dated 14-5-96 clearly laid down that the three Ex-Servicemen are entitled for service weightage of two years of the purpose of promotion. Hence, the Respondent may be directed to promote the three Ex-Servicemen as officers Scale-I with retrospective from 19-4-2002 with a further direction to pay the arrears of pay allowances w.e.f. 19-4-2002.

5. A counter was filed stating that the Government of India, Ministry of Finance issued letter dated 13-8-96 on the subject of weightage to defence service for the purpose of promotion. It is submitted that if certain number of years of service are prescribed as a minimum eligibility criteria for promotion from one cadre to another, the banks may in this regard suitably modify the rules to give weightage of Ex-Servicemen on the basis of their service in the defence forces. The allegation that the Respondent bank has not extended the said benefits to the above three Ex-Servicemen employees Sri P. Venkateshwara Rao, Sri L. Eswara Rao and Sri J. Bhanu Murthy for the purpose of promotion is denied. That the promotion policy adopted by the Respondent bank is as per directions of the Government of India in Gazette Notification dated 29-7-1998. As per the above, the eligibility criteria for the purpose of promotion is 10 years of service in clerical cadre. Thus, minimum number of years of service required in clerical for the purpose of becoming eligible to be considered for promotion is 10 years. However, as per the letter dated 13-8-86, Ex-Servicemen get maximum relaxation of 2 years, as a result of which an Ex-Serviceman needs only 8 years of service in clerical cadre to be considered for promotion. The contention of the Petitioner that, if weightage is allowed to these 3 Ex-Servicemen employees, their seniority would be on top of the seniority is wrong. That the Government has adopted promotion policy basing on the direction of the Government of India gazette notification dated 29-7-98. The notification provides for certain relaxation in eligibility criteria basing on professional qualifications and a percentage in promotion is made mandatory in respect of SC/ST candidates. However, the gazette notification does not mention about the relaxation of eligibility criteria in respect of Ex-Servicemen. Basing on the Government Gazette, the Respondent bank issued its promotion policy vide circular dated 10-7-2001. It was observed that the relaxation of two years maximum is given by the Government of India to the Ex-Servicemen in the eligibility criteria, and same was extended to the three clerks. As there is no mention of eligibility criteria they were given individual letters dated 22-1-2002 informing that the weightage is considered as per the Government of India guidelines. The three Ex-Servicemen were called for written test and considered for promotions. That the promotion of clerical cadre were based on seniority cum merit. The seniority is to be prepared on the basis of rank allotted to the individual in the BSRB examination. Hence, these three workmen are not entitled to the relief prayed for.

6. A reply to the counter statement was filed by the Petitioners stating that the letter dated 13-8-86 issued by the Government of India, Ministry of Finance on the subject of weightage of defence service, for the purpose of promotion is misquoted.

7. Sri L. Eshwara Rao, one of the three affected employees of the Petitioner association has filed chief examination affidavit on his behalf and on behalf of the other two employees, Sri P. Venkateshwara Rao and Sri J. Ghanu Murthy and deposed that they were appointed as clerks-cum-cashiers by order dated 3-11-88. Their duties were clerical in nature including receiving, paying, carrying

cash and other allied works incidental to handling of cash etc. That before joining the Respondent bank they were in the defence services for over 15-26 years as per the Government of India circular dated 13-8-86 and after considering the representations received from the Ex-Servicemen it has been decided that the Ex-Servicemen be given some weightage to the service rendered by them in the defence force prior to their absorption in the banks. Accordingly, the whole issue has been considered at length and it has been decided that Ex-Servicemen employees recruited against reserved posts in the clerical and subordinate cadres weightage for the period of service rendered by them in the armed forces in the ratio of 5 : 1 subject to a maximum of two years after they have rendered atleast 3 years actual service in the banks after re-employment. Ex. W6 is the individual representations. That the circular issued by the bank dated 20-6-91 reveals that all the clerical staff are entitled to receive safe key allowance/special allowance if he/she is assigned to cash duties. As per the above circular the Ex-Servicemen have not been given any special allowance on regular basis. Ex. W8 is the instructions and guidelines of the Government of India dated 21-3-91, Ex. W9 is the instructions of Government of India dated 14-5-96. Ex. W10 is the circular dated 10-7-2001 of the Respondent bank. Ex. W11 is the promotion order dated 19-4-2002 issued by the Respondent bank. Ex. W12 is the letter dated 21-10-88 addressed to him by the BSRB, Hyderabad. Hence, they may be given Officers Scale-I with retrospective effect from 19-4-2002 and also they may be paid the difference in pay and allowance and other service benefits.

8. In the cross examination he deposed that it is true that as per the seniority list all the persons promoted are senior to him. It is true that they were aggrieved by the promotions affected as per circular dated 19-4-2002. It is true that they have not made any of the promotees as parties. He denied that weightage of two years was considered as per Government of India guidelines. It is not true that the seniority list dated 31-12-99 is prepared as per the NIT award passed on the recommendations of the Equation Committee. That they are not aggrieved by the said seniority list. It is not true to suggest that even if they are given weightage vide Ex. W4 the Petitioners will not go up for the purpose of promotions topping the list of promotees.

9. In the re-examination he deposed that as per the authorization given, Ex. W1 he is working President of the Association. The seniority list dated 31-12-99 at Sl. No. 10, Sri D. Samuel Kumar is coming under the reserved category and he was promoted superseding Sl. Nos. 7, 8 and 9 as he is coming under the reserved category and he was promoted superseding Sl. Nos. 7, 8 and 9 as he is coming under SC/ST reserved category. All the three defence persons are coming under the reserved category as they are Ex-Servicemen. Just as, Sri D. Samuel Kumar was promoted superseding others these three are also entitled for promotion superseding the non-reserved category promotees.

10. The management examined Sri M. Sai Ram, officer of the Respondent bank as MW1. He deposed that the



promotion policy is as per the gazette notification dated 29-7-98. Ex.M1 is the above gazette publication. Notification provides for certain relaxations in eligibility criteria basing on professional qualifications and a percentage in promotion is made mandatory in respct of SC/ST candidates. However, the gazette notification does not specifically mention about relaxation of eligibility criteria for the purpose of promotion is 10 years of service in clerical cadre. Thus minimum number of years of service required in clerical cadre for the purpose of becoming eligible to be considered for promotion is 10 years. As they got maximum of two years relaxation they have to put in minimum 8 years of service. That the two years relaxation was given to all the three clerks. They were called for written test and considered for promotion along with other eligible candidates. Promotion from clerical cadre to O.S.I. were based on seniority-cum-merit. The circular dated 13-8-86 only provides relaxation upto a period of two years in the eligibility criteria for Ex-Servicemen which the bank has considered. They are eligible to be called for written test. The posts three Ex-Servicemen are holding is a special allowance carrying post and the three employees are availing special allowances in discharging their duties as Clerk-cum-Cashiers. Seniority list was prepared on 31-12-99 based on the recommendations of the Equation Committee and as per the National Industrial Tribunal Award and was circulated to all the staff members. Ex.M3 is the above seniority list. The bank cannot deviate from the seniority so prepared for the purpose of promotion. It is to be prepared on the basis of rank allotted to the individual in the examination. The Government guidelines cannot be interpreted to mean disturbing the seniority list and give promotions to Ex-Servicemen by adding two years of service to their actual service. The promotions were affected basing on circular dated 19-4-2002. Hence, they are not entitled for any relief.

11. In the further chief examination he deposed that Ex. M1 is the gazette notification dated 29-7-98. Ex M2 is the circular No. PRNL 9/2001 dated 10-7-2001. Ex. M3 is seniority list dated 31-12-99 and Ex. M4 is circular No. PRNL 9/2002 dated 19-4-2002. In the cross examination he deposed that the weightage is at the ratio of 5 : 1 of the Ex-Servicemen has to be calculated for the purposes of promotion as minimum eligibility critaria. It is true that as per the circular weightage for the period of service rendered by the Ex-Servicemen in the armed forces in the ratio of 5 : 1 subject to a maximum of 2 years after they have rendered atleast 3 years of actual service in the banks after re-employment. It is true that if the Ex-Servicemen render 10 or more years of service in the bank he is eligible for 2 years weightage. It is true the three Ex-Servicemen have rendered more than 10 years of service in the Respondent bank and hence, eligible for weightage of 2 years for the purpose of promotion. It is true that Sl Nos. 1 to 15 of Ex. W4 have appeared for the test conducted by the Respondent bank in the year 2001 and the above three Petitioners have passed the test and were called for interview. All the three Ex. Servicemen are in the panel for promotion. It is not true that if they had been given two years weightage they would have occupied positions No. 1, 2, 3, positions in the seniority list for

promotion to the next cadre. It is true that Ex. W3, W8 and W9 pertains to the Ex. Servicemen reemployment in public sector banks and weightage to them for the purpose of promotion. And they are required to comply with the provisions or the instructions contained in Ex. W3, W8 and W9. He said that they have nothing to do with the Godavari Grameena Bank which is sponsored by Andhra Bank and the Respondent bank is sponsored by Indian Bank. It is true that SC candidate at Sl. No. 10 of the seniority list has been promoted superseding Mr. Sanakar Prasad, Krishnapriya and H. Rajya Laxmi. He denied that they are entitled for any relief.

12. The Learned Counsel for the Petitioner argued that the 3 ex-servicemen in question Shri P. Venkateshwar Rao, Shri L Eshwar Rao and Shri J. Bhanu Murthy were appointed on 3-11-1988 as clerks-cum-cashiers and posted at different places in Andhra Pradesh. The Petitioners are clerks and as they are ex-servicemen, they are entitled for 2 years weightage for the service rendered in Defence as per circular dated 13-8-1986 issued by the Ministry of Finance, Government of India.

13. If the weightage is allowed to these 3 persons their seniority would be in top of seniority list of clerks recruited in 1988. They have not been given promotions from Clerk-Cum-Cashier to Officer Scale-I by giving due weightage. The Godavari Grameena Bank sponsored by Andhra Bank is strictly implimenting the guidelines given by the Government of India that the maximum weightage of 2 years is to be given in the ratio of 5 : 1 for 5 years of service completed subject to maximum of 2 years. Hence, their promotions may be effected from 19-4-2002.

14. The Learned Counsel for the Respondent argued that the allegation that the bank has not extended the said benefits to above 3 ex-servicemen is false. As per letter dated 13-8-1986, the ex-servicemen get a maximum of relaxation of 2 years, as a result of which, an ex-serviceman needs only 8 years of service in clerical cadre to be considered for promotion. The contention of the Petitioner is that if the weightage is granted to the Petitioner-clerks, they will be on top of the seniority list is wrong. The relaxation was given to them. They were called for written test and considered for promotion. They are holding a special allowance carrying post. The promotions from Clerical Cadre to Officer Scale-I is on merit. That as per National Industrial Tribunal Award based on recommendations of the Equation Committee, seniority list prepared on 31-12-1999 and circulated to all the staff members. The bank cannot deviate from the seniority so prepared for the purpose of promotions. Further, none of the persons promoted were made parties to the dispute and adversely affected those persons and as such this Petition should be dismissed for non-joinder of parties.

15. It may be noted in Ex. W5 dated 22-01-2002 the General Manager informed the 3 ex-servicemen that weightage is considered as per government guidelines. Ex. W3 speaks about promotions where it is directed that the ex-servicemen should be given weightage for a maximum of 2 years. Ex. W8 also states the same but states that once

ex-serviceman avails the weightage benefit against appointment for special allowance carrying post, he shall not be eligible for the same benefit at the time of consideration for promotion from one cadre to another cadre. Ex. W9 further clarifies that the benefits of seniority on the basis of past service in the Army has to be availed only once in the career of Ex-servicemen. However, the intention of this Division's circular dated 21-3-1991 is not come in the way to those who availed this benefit for the purpose of temporary appointment to an allowance carrying post or officiating post and afterwards considered for regular promotion to the next higher grade from the post on which he was initially re-employed. In case however, the allowance carrying post is given to the re-employed Ex-servicemen on permanent basis, then this benefits will not be allowed again for next promotion in the bank. Ex. W4 is the seniority list which was prepared on 31-12-1999. Petitioners were appointed on 3-11-1988 hence they are entitled for 2 years weightage as they had completed 10 years of service by then. Had these 3 E-servicemen were given 2 years weightage, they would have been at the top of the seniority list. There is no contention on behalf of the Respondent that they have not fared well in the written test and interview and they were disqualified. So these 3 persons are entitled for 2 years weightage but as the others who are effective have not been made parties and there is no indication that any other persons have been promoted after the said list. MW1 further deposed "it is true that we have not incorporated the Ex. M2 promotion policy the weightage criteria laid down for according seniority for the purpose of promotion to petitioners". The witness adds that the Godavari Grameena Bank is sponsored by Andhra Bank and this bank is sponsored by Indian Bank hence Ex. W13 is not related. Hence, I hold that the action of Management of Kanakadurga Grameena Bank in not giving promotion to three ex-servicemen is not justified. But as stated supra, it will disturb other candidates who were not made parties. Hence, I direct that the Petitioners shall be promoted as officers scale-1 by creating supernumery posts and fix the seniority as if they are promoted on 19-4-2002. They will be paid difference of salary as officers Scale-1 from 19-4-2002.

Award passed accordingly. Transmit.

Dictated to Shri J. Vijaya Sarathi, LDC, transcribed by him, corrected and pronounced by me on this the 2nd day of May, 2005.

E. ISMAIL, Presiding Officer

#### Appendix of evidence

Witnesses examined for the Petitioner :      Witnesses examined for the Respondent :

WW1 : Shri L. Eswara Rao      MW1 : Shri M. Sai Ram

#### Documents marked for the Petitioner

Ex. W1 : Authorization letter dt. 16-6-2003.

Ex. W2 : Appointment order of Petitioner dt. 3-11-1988.

Ex. W3 : Circular dt. 13-8-1986.

Ex. W4 : Seniority list of clerks issued by Management dt. 31-12-99.

Ex. W5 : Letter from General Manager to Petitioners dt. 22-1-02

Ex. W6 : Representations of Petitioner dt. 22-4-02 & 27-5-02

Ex. W7 : Circular dt. 20-6-91 issued by Respondent.

Ex. W8 : Guidelines of Government of India dt. 21-3-91.

Ex. W9 : Guidelines of Government of India dt. 21-3-91 & 14-5-96.

Ex. W10 : Circular dt. 10-7-01 of the Respondent.

Ex. W11 : Promotion order dt. 19-4-2002 of the management.

Ex. W12 : Letter dt. 21-10-1988 addressed by BSRB, Hyd to me.

Ex. W13 : Godavari Grameena Bank's promotion list.

Ex. W14 : Seniority list of clerks of Godavari Grameena Bank as on 31-12-1995.

#### Documents marked for the Respondent

Ex. M1 : Gazette Publication dt. 29-7-98.

Ex. M2 : Circular No. PRNL 9/2001 dt. 10-7-2001

Ex. M3 : Seniority list dt. 31-12-1999.

Ex. M4 : Circular No. PRNL 9/2002 dt. 19-4-2002.

नई दिल्ली, 26 जुलाई, 2005

का. आ. 2975.— औद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साऊथ ईस्टर्न रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या आई. डी. 19/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-07-2005 को प्राप्त हुआ था।

[ संख्या एल-41011/24/2002-आई आर (बी.-1) ]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 26th July, 2005

S.O. 2975.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 19/2003) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of South Eastern Railway and their workmen, which was received by the Central Government on 25-07-2005.

[No. L-41011/24/2002-IR (B-1)]

AJAY KUMAR, Desk Officer



**ANNEXURE**  
**BEFORE THE CENTRAL GOVERNMENT**  
**INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT**  
**AT HYDERABAD**

**Present :**

Shri E. Ismail, B.Sc., LL.B., Presiding Officer

Dated the 16th May 2005

**Industrial Dispute I.D. No. 19/2003**

**Between :**

Sri B. Siva Sudhakar & 13 others,  
 C/o Divisional Office Staff Canteen  
 DRM Office,  
 S.E. Railway, K. Dondaparthi,  
 Visakhapatnam-530 001. ... Petitioner

**AND**

1. The Divisional Railway Manager (P),  
 South Eastern Railway, Waltair Division,  
 Dondaparthi,  
 Visakhapatnam-530 001.
2. The Secretary,  
 Divisional Office Staff Canteen  
 Managing Committee,  
 DRM's Division, Dondaparthi,  
 Visakhapatnam-530 001. ... Respondents

**APPEARANCES :**

For the Petitioner : Sri R. Sambasiva Rao, General  
 Secretary of Union.

For the Respondent : Shri K. Dakshina Murthy,  
 Advocate

**ORDER**

The Government of India, Ministry of Labour by its order No. L-4101/24/2002-IR(B-I) dated 27-1-2003 referred the following dispute under section 10(1) (d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of South Eastern Railway and their workman. The reference is.

**SCHEDULE**

“Whether the demand raised by Sri B. Siva Sudhakar and 13 others (as per annexure) working as Canteen Employees in the Division Office Staff Canteen, Divisional Railway Manager's Office, south Eastern Railway, Waltair Division, Visakhapatnam for regularisation of their services with effect from their date of joining is justified ? If so, what relief the concerned applicant are entitled ?”

2. The brief facts stated in the claim petition are the petitioner are working as casual labour in the South Eastern Railway Staff Canteen. Originally the Divisional Office Staff Canteen was non-statutory, subsidized canteen and closed due to some Court case numbered MW4/80 WP-4567/80.

The Chief Personnel Officer, South Eastern Railway, Garden Reach, Calcutta through his letter No. P/W/EN/DIV/WAT, dt. 23-10-91 ordered for revival of the Divisional Office Staff Canteen which was closed. After revival of the same DRM Office Staff Canteen opened on 24-4-1994. To open the canteen, the management has brought 11 permanent staff from other canteen namely Steam Loco Staff Canteen and appointed six casual staff and afterwards another 8 staff were appointed by the management. The name and their date of joining in the canteen is furnished below :

(1)	Sri B. Siva Sudhakar	24-3-1994
(2)	Sri B. Kiran Kumar	24-3-1994
(3)	Sri N. Laxmana Rao	24-3-1994
(4)	Sri K. Chandra Sekhar	24-3-1994
(5)	Sri K. Nagaraju	24-3-1994
(6)	Sri V. Rama Rao	24-3-1994
(7)	Sri D. Satya Rao	12-4-1994
(8)	Sri S. Rama Rao	12-4-1994
(9)	Sri G. Balaraju	12-4-1994
(10)	Sri A. Jagannadham	12-4-1994
(11)	Sri P. Jhon Francies	12-4-1994
(12)	Sri R. Kanna Rao	12-4-1994
(13)	Sri P. Siva Prasada Rao	12-4-1994
(14)	Sri R. Jagadeswara Rao	12-4-1994

3. The Hon'ble Supreme Court of India has ordered to treat the Employees of the Non-Statutory (Recognized) Canteens as Railway Employees and to pay the Wages at the same rate and same basis of Railway Employees in a WP No. 2275/86 between M.M.R. Khan & Others Vs. Union of India & Others. The Railway Board also through its letter No. E(W)90 CNI/7(11), dated 18-5-90 instructed all the General Managers of Indian Railways to treat Non-Statutory (Recognized) Subsidized Canteens as above. By virtue of the above Supreme Court Judgement and Railway Board orders all the applicants herein are eligible to get same pay on par with their counterparts. The applicants have submitted many petitions for the same but no action was taken by management to pay their wages in terms of Railway Board Orders.

4. The South Eastern Railway Men's Congress has addressed letter to management to regularize these applicants services and pay wages on par with their counterparts. In pursuance to Union's appeal the management has instructed the Canteen Secretary (Advisory Board) to discharge these applicants with some untenable and irrelevant objections like (1) these applicants existence not known to the management, (2) Railway management not appointed applicants. In this connection, it is humbly submitted that it is not true that management not aware of these applicants' appointments.

5. The Chief Personnel Officer, Garden Reach, Calcutta has inspected the DRM Office Staff Canteen and pleased to give a cash award of Rs. 1500 for the meritorious maintenance of the canteen.

6. These applicants' services are utilizing at outstations as and when required. In addition to canteen work management utilizing them for loading and unloading of DRM Office Stationery, which will come from S.E. Rly Head Quarters Office frequently. These 14 applicants existence is well aware to the management as, when canteen Advisory Body wanted to revise the rates of canteen Staff they have submitted Note to DRM(P) to accord permission to increase rates, wherein committee has clearly indicated that there are 14 Casual Staff are working. In addition to all above facts, management issued a circular to committee to furnish the names of the casual staff and in turn, canteen advisory body has submitted the list of these applicants many a time.

7. While things stood as above, when the management instructed the canteen secretary to discharge the canteen casual staff, applicants have no other option than to approach assistant labour commissioner (C) Visakhapatnam for redressal and ALC(C), Visakhapatnam has conducted conciliation proceedings. The applicants have submitted all the above facts before conciliation but management did not come forward to accept their own letters and facts. The ALC(C), Visakhapatnam has sent the failure report to government.

8. Now these applicants have received a notification No. L-41011/242002-IR(B-I), dt. 27-1-2003 as such these applicants are submitting the above facts before the Hon'ble Court to accord justice and to order the management to regularisation and consequential benefits in the interests of the justice or otherwise applicants will be put to irreparable loss.

9. The management filed counter stating that the material allegations made in the petition/claim by all the petitioners are all not true, valid, tenable and does not bind the management and such of those allegations which are not specifically traversed herein shall not be deemed to be admitted by the management and the petitioners are all hereby put to strict proof of each and every allegation.

10. At the outset it is submitted that, in the claim statement preferred by the petitioners they described/styled themselves as CASUAL labour in the non-statutory (recognized) canteen which is prima facie false and untrue.

11. The foundation, claiming regularisation by the petitioners is by virtue of the Hon'ble Supreme Court's decision in MMR Khan and others Vs Union of India and others, which reported in AIR 1990 SC at page 937 and in which their lordships held that, "Those on rolls as on 1-4-1990 should be deemed to be permanent employees of the Railways and that, they should be allowed all the benefits". But the vital difference is that, these 14 petitioners

in the claim petition even according to their own admission have joined on 24-3-1994 and 12-4-1994 and thus they are not on rolls as on 1-4-1990. Hence, the Judgement is not applicable to the present case.

12. The Railway Board in pursuance to the Hon'ble Supreme Court's Judgement have issued 3 circulars date 18-5-1990, 27-6-1990 and date 30-7-1990, stipulating certain guidelines for implementation of the Hon'ble Supreme Court's Judgement and further recruitment is totally banned and cannot be done without the express written permission of the General Manager of that particular railway and the status of the managing committees of non-statutory (recognized) canteens is down-graded to that of advisory committees. As per the circulars .....

- (a) the manpower, if any required in the non-statutory subsidized (recognized) canteens should be considered on functional requirements with full justification duly concurred by financial branch. Any addition to the present strength which might become necessary in future will have to be processed accordingly and matching surrender would also be necessary.
- (b) No fresh face should be engaged as substitute/casual staff/commission boy etc., against any vacancy of the canteen without the prior personal approval of the General Manager.
- (c) Instead of Managing committee, an advisory board may be constituted to holding the day to day working of these canteens. However, these committees will have purely advisory functions.

13. Thus, it is abundantly clear that, the alleged appointments even if made for argument sake that to in 1994 are prima facie illegal as they are contrary to rules, regulations, and circulars. A back door entry in contravention of the orders of the Railway Board cannot claim any right whatsoever as the very prime appointment is against rules. Thus, the alleged appointment appears to be with ulterior motives to get benefits of the Hon'ble Supreme Court's orders and is filed with mala fide intention.

14. In this connection it is respectfully submitted that the alleged appointments as casual labour even is invalid and illegal ab initio, secondly procedures are not followed and Railway Board's instructions are grossly violated and thus any appointment alleged to have been made was in violation thereof was clearly in negation of the rules and such action is parse not only arbitrary but defeats the very object of recruitment offending Articles 14 and 16(1) of the Indian Constitution.

15. The Workman's claim that, they should be regularized as the alleged employment by casual nature also cannot sustain the scrutiny of law because, if initial appointments are made in accordance with the procedure prescribed under the rules or instructions and posts were filled up with temporary or ad hoc or daily wage employees and when their services are regularized, the need to follow the self same procedure would obviously be redundant. When initial appointments are in violation or in negation of the rules, in other words, in the eye of law there is no order for appointment, for regularisation also if the procedure prescribed also is not followed, it would be a field day for the appointing authority to buttress his arbitrary, corrupt and illegal acts of appointment without letters, or orders of appointments and regularisation would be taken as a shield to cover-up illegal or void actions or to perpetrate further corrupt actions. To confer permanency of appointments to the posts irregularly filled up by regularisation in violation of the executive instructions or rules is itself subversive of the procedure.

16. The plea of the petitioners for regularisation cannot be accepted because the alleged appointments were made in flagrant breach of the instructions of the Railway Board and amounts to blatant abuse of power which is non-existence in the advisory boards and subversive of discipline. "The name and style of the committee by itself is advisory". After all the members of the advisory committee are employees of the Railways. They are not paid from the Government funds.

17. The petition is bad in law for mis-joinder and non-joinder of necessary parties. The petitioners at the initial stage of filing the petition for regularisation before the Asstt. Commissioner of Labour (Central), Visakhapatnam included the canteen managing committee as a party and it is not known as to why the same party is not added before this Hon'ble Court. There is no employee-employer, or master-servant relation between the petitioners and this management. Their contention that, they were deputed to outstation for loading and unloading stationery of DRM's office is not true and they are put to strict proof of the facts. The contention of the petitioners that, the management was aware of their existence even if true, it is not relevant to the demand for regularisation for the above said reasons. It is further respectfully submit that, generally, full functional freedom is given to the committee to run the affairs of the canteen only, it doesn't mean that, the advisory board can appoint any person as casual or daily rated labour. However, engagement of workers for assisting regular employees was done by the advisory committee without the management's knowledge or approval. The management came to know about this only when the S.E. Railway Mens Congress made a representation for regularisation of the petitioners and since their existence is without approval of Competent Authority and an advise was given time and again to the

managing committee to disengage them. The enclosure to the petition of the petitioners covering their journey from Visakhapatnam to Aruku Valley bearing No. 408411 & 12 date 21-2-2003 has been erroneously issued and the cost thereof is being recovered from the official who made such requisition.

18. Thus, in fine it is submitted that, for the reasons stated above and to be submitted at the time of hearing it is prayed that, the petitioners are not entitled for any of the reliefs as prayed for and hence, it is prayed that, the claim petition is to be dismissed with costs.

19. The petitioners are filed the chief examination evidence affidavits WW1 to WW15 and EXs. W1 to W14 were marked. By oversight again chief examination evidence affidavits of WW3 and WW10 were filed and both are eschewed. They deposed the said facts stated in the petition and marked Ex. W1 to W10. Ex. W1 to W5 are postal receipts of having sent the letters. Ex. W6 is a photo showing the petitioners working. Ex. W7 is the free second class pass given to one of the petitioners V. Rama Rao. Ex. W8 is letter dated 18-1-2000 from Divnl. Personnel Officer to Secretary, DRM's Office Canteen. Ex. W9 is letter of Secretary, DRM's Office Canteen to Sr. DPO, Waltair dated 31-10-2000. W10 shows increasing in rate of Idly and meals. Ex. W11 is another photograph. Ex. 12 is another railway pass. Ex. W13 shows the cadre of staff at the time of closing. Ex. W14 shows about the channel of promotion in the statutory and non-statutory canteen.

20. In the cross-examination, WW1 deposed that they represented the above said case before ALC(C), Visakhapatnam and the conciliation proceedings were taken at Visakhapatnam and the same ended in failure. It is true that the railway canteen managing committee is one of the party to the proceedings. It is true that the canteen managing committee is not a party to the present proceedings. My father is a railway employee. Except 4, all the said 10 applicant sons are railway employees. Ex. W9 with annexure showing his date of appointment alongwith 13 other candidates date of appointments is a cooked up documents for the purpose of this case. The managing committee members and office bearers are railway employees. It is not true to suggest that they are working on daily wages. They are paid once in a month. Wage slips were not given. Canteen is being run on no loss or no profit. He does not know whether the managing committee has got the power to appoint or recruit any staff. One V. Krishna Mohan, the then secretary from 1994 till 2000 was the secretary. He has not filed any papers about extension of the personnel officer. It is true that the duties are confined only to canteen that he was issuing tokens from 9 AM to 5 PM. Nobody told him to take Ex. W6 photo. He denied that there is no relationship of employee and employer. Similar is the evidence of all the witnesses.

21. The management examined Sri Chappa Gopal Rao, Assistant Personnel Officer in the Divisional Railway Manager's Office as MW1 and Ex. M1 to M4 marked and deposed that the staff canteen was originally setup in the 1990 year and has been closed for various reasons that the opening of a new complex at Dondaparthi, Viskhapatnam. It was revived from 24-2-1994. The canteen was being run by an Advisory Committee drawn from the employees for the purpose of the smooth function and transparency. The committee was elected by the employees without there being any society and the elected employees in turn nominate a secretary for day to day supervision and the same was approved subject to the overall supervision and control of the respondent. The Secretary who is a full-fledged railway employee suo motu engaged 14 casual labourers without the knowledge and approval from the competent authority. The wages for the workers were being paid out of the surplus from the canteen funds and this was not within the knowledge of the competent authority. The 14 casual labours are engaged by the secretary and continuing as such. He was advised to disengage that the Hon'ble Supreme Court in MMR Khan and others Vs. The Union of India reported in AIR 1990 page 937, the staff of statutory and non-statutory (recognized) canteens have been accorded the status of regular employees of the Railways while rejecting the case of those employees who have not been engaged with relevant observations of the rules and regulations pertaining to the statutory and non-statutory recognized canteens. The entry of the petitioners is surreptitious and there is no scope of regularisation as per MMR Khan and Others that the engagements for all purposes is on day to day basis, the petitioners averments to the effect that there is grant of cash awards and given duty passes for travel outside to substantiate their claim for regularisation have no nuxes or bearing that railway board wide instructions dated 21-2-84 is stipulated that there could be no addition to the staff canteen and also categorically stated that the employees of the canteen who are on the roles on 1-4-1990 should only be considered as a railway employees.

22. In the further chief examination, he marked several documents about 14 documents were marked. In the cross examination he deposed that he although he is a welfare officer he is going to the canteen frequently but officially he has not inspected the canteen. He has seen the temporary staff working there as per Ex. M7 dated 21-12-1979 Chairman was given power to appoint certain canteen employees. The secretary was empowered to appoint staff other than those who were appointed by the chairman that also was subject to directions given by the chairman. The CPO during one of his inspections to the canteen in DRM's office granted cash award to canteen staff that he advised secretary of the canteen to send two staff of the canteen for cooking purpose at Aruku Valley where Personnel Officers' conference was held in Feb.

2003. Ex. W11 photograph shows the then and other officers including him and his staff and this canteen is a administrative canteen. It is correct that the railway passes are issued to the persons who are drafted for railway duty. It denied that the canteen is a part of railway administration and they are appointed by the railway administration, hence, they are entitled for regularisation on permanent basis and consequential benefits.

23. In the meantime the respondent Divisional Manager and others filed WP No. 9871/2004 making this court also as a party stating where in the Hon'ble High Court in WP MP where in his lordships refused to interfere with the proceedings of the case. Hence arguments were heard.

24. It is argued by the learned counsel for the petitioners that the petitioners were appointed by the officers after testing their skills while opening the non-statutory recognized canteen at DRM office, Waltair as casual labours. He further submits that the court may please to analyse the Judgement of the Supreme Court AIR 1990 page 937 in MMR Khan and others where in their lordships held that the employees in the statutory canteens of the railways will have to be treated as railways servants. The relationship of employee and employer stands created between the railway administration and the canteen employees from the very inspection. It is also held that the employees in the non-statutory recognized railway canteens are also entitled on par with the employees in statutory canteens and they should also be treated on all purpose as railway servants. There is hardly, difference between statutory and non-statutory canteens. He further argues that these persons also should be regularised and there is no difference between statutory and non-statutory canteens.

25. He also relies on 203(6) ALT 7 SC wherein the Hon'ble Supreme Court refused to interfere in the Judgement of the Division Bench of the High Court in the canteen of National Thermal Power Corporation Limited to consider the claims of the workers as to where to satisfy the requirements and where they are otherwise unfit for absorption.

26. He further argues that the management of the canteen is the duty of the Railway administration and not that of the canteen advisory committee that the canteen is the railway unit. In 1999 the only chief personnel officer of the railway zone has sanctioned Rs. 1500 as cash award. The same amount was distributed by the management among all the staff of the canteen. If the casual employees are not the employees of railway administration how should government amount was distributed to the petitioner. In the Ex. M7, it is clearly stated that the canteen secretary can appoint group D categories. It is valid and binding on the respondents. Ex. M12 which is a Headquarter letter dated 1-9-1994 recruiting non-statutory recognized canteen

in entire zone and annexure 4 pertains to Waltair division and it is clearly ordered that few vacancies of group D can be directly appointed at last page of the letter. A list of non-statutory canteen is furnished and the petitioners canteen is shown as item 7 as non-statutory recognized canteen of DRM office Waltair. It is submitted that only to regularise staff like present petitioners, the competent authority has issued such circulars. But for reasons not known. The management instead of implementing the Head-quarters orders submitted relevant objections. He therefore submits that the petitioners are entitled for regularisation and they may be regularized.

27. It is argued by the learned counsel for respondent that the respondents have filed a detailed counter on 20-10-2003 resisting the claims of the petitioners which was mentioned that the canteen functioning in the premises of the Divisional railway managers' office as a welfare measure with only making availability of space provision of water and electricity, utensils and furniture etc. The canteen has not been provided with any subsidy or any grant in aid. The management of casual labour is without any approval. If any casual labour was engaged without any permission that regular appointment for the group D post are made in accordance with recruitment rules framed under article 309 of constitution of India after due process of selection with reference to the age qualification. The petitioners are not entitled to seek relief of regularisation as there is no engagement by the railway with the personnel approval of the General Manager. He further submits that the petition is not maintainable were not implementing impleading the General Manager being proper and necessary party. There is no relationship of employer and employee that on this is a oblique time on the part of the petitioner to gain back door entry through regular engagement in casual labour by the canteen management without any approval even if the matter within the knowledge of DRM it has not bearing and relevance that the canteen which existed in the office of DRM was closed in 1982 and re-opened on 20-4-1994 as welfare measure by providing accommodation utensils, electricity water and surplus staff without retrenching them from Steam Loco Shed canteen as the said canteen is managed by the committee from the staff members and the committee engaged by the petitioners is casual labour without an approval of competent authority. It was mentioned that the railway boards specifically stated through their letter dated 2-1-84 that there should be no addition to the strength of the canteen except existing strength and as per Ex. M3, the employees on role on 1-4-1990 have to be considered as railway employees having regard to the decision of Hon'ble Supreme Court in MMR Khan case. The petitioners who were engaged as casual labour on daily wages out of the profits of the canteen can seek regularisation. The manner and method of operation of the canteen is neither supervise nor

controlled by the railways. Ex. M14 is the representation of the petitioners 1 to 13 where there is no indication of any relief expect privilege on par with those working in non railway bodies. Ex. M12 conveying that the canteen is not part of railway administration then there is a letter Ex. M1 dated 17-10-2000 to the canteen committee to discharge the casual labour including the petitioners those M3 to M6 convey the policy of observation of canteen staff who were on roles as on 1-4-1990. Further the reference is misconceived because canteen is not an industry, there is no relief of regularisation and no such regularisation can be raised and sought under the provisions of ID Act as per settled law. The majority of the workers are wards of railway employees and wants to gain entry in backdoor that the petitioners are not appointed against any post and they are appointed according to the need of the work. He also relies on the following Judgement of the Hon'ble Supreme Court and High Court.

28. He relies on 2002 ALD page 262 (DB) incidentally the Judgement of the Industrial Tribunal, this Judgement was delivered by me as Chairman, Industrial Tribunal-I directing for regularisation and equal pay on par with regular employees from 1-12-1999 perhaps the date of the award. It was challenged before Hon'ble single judge of the High Court which was upheld in Toto by the single judge Division Bench while confirming the award for regularisation and did not confirm my award so far as equal pay was concerned holding that the same was referred to that court. The said case has no bearing to the facts of this case. Here the reference is for regularisation. He also relied on 2002 1 LLJ page 457 that the case has also no bearing to this case because that was about termination of the workers service in 1985 and he approached the labour court in 1995 almost after 10 years. Their lord ships held that more than 9 years in approaching the Labour Court and the serious dispute as to the relationship of employer and employee would come in any of maintenance of the same. Here it is denied the fact, whether appointed regularly or irregularly, that they are working as casual employees even now to this case also has no bearing. He, further, submits that the petitioners if at all that may be against the canteen.

29. It may be seen that the petitioner that at the initial stage of conciliation before ALC(C), Visakhapatnam included the canteen managing committee as a party and they have not made the canteen managing committee as a party before this court. It may further be noted that the ex-Secretary of the DRM office, staff canteen was examined as WW6. He deposed that there are 7 permanent staff and 14 casual staff. He asserted that the railway manager has the knowledge about the 14 casual labour employees during 1999. The Chief Personnel Officer instructed the staff canteen and gave a cash award of Rs. 1500 for good maintenance which was distributed by him to both

permanent and temporary staff. Further that the management aware from 1994.

30. In cross-examination, he deposed that he does not know who appointed the petitioner in the canteen. He further, admitted that the managing committee has no powers to recruit any casual staff in DRM staff canteen except General Manager. The casual staff worked were paid salaries out of the profits. The railway administration did not pay the wages to the present petitioners at any point of time. There are no official cuttings like G.P.F., Insurance etc.. No wage slips are given to them. So it may be seen that the Ex-Secretary has admitted that the railway administration never paid any wages to the petitioners.

31. It may, further, be noted that it is neither mentioned in the claim statement nor by any of the petitioners that 70% of wages are being paid by the railway as subsidiary as per para 2234 of railway establishment Manual is Ex. M8. The only Loco canteen staff are being paid wages from railway as per Ex. W13. On the contrary, WW6 the then Secretary deposed in the cross-examination as follows, "railway administration did not pay the wages to the present applicants at any point of time." The main reliance of the petitioners is on the Judgement of the Hon'ble Supreme Court reported in AIR 1990 page 937 between MMR Khan and Others Vs. Union of India and Others. The distinction between the present case and the MMR Khan's case is in MMR Khan's case is 70% of the wages of the employees was being paid by the railways that means their employment initially was as per rules. In this case admittedly even as per the evidence of the WW6, the then Secretary who admitted as follows, "The managing committee has no powers to recruit any casual staff in DRM staff canteen." So their very appointment is against the rules and they are not being paid even one rupee subsidy in their wages. Further, in 1999 two ALD page 268, the Hon'ble High Court at page 270 observed as follows, "What could be gathered from the above decisions of the Supreme Court is that in order to grant relief of regularisation, two conditions, called conditions precedent should co-exist. The first condition is that the entry of the applicant for the writ on temporary or ad hoc basis should be against an existing vacancy. The second condition is that his appointment was made after going through the selection procedure laid down by the relevant recruitment rules. In the present case, admittedly the appointments of the petitioners on daily wage basis/ad hoc basis/temporary basis were made de hors the relevant Statutory Recruitment Rules. On that short ground, the petitioners are not entitled to the relief." So it may be seen that the petitioners herein do not satisfy both the conditions and further as per Ex. M3, there is ban on recruitment and the petitioners were engaged during the ban period without proper approval of the competent authority. Further as per Ex. M12, the canteen should be run with the existing staff and no addition of any staff will be made on permanent basis. But

it may be seen that these peoples are working from 1994 and we are in 2005 that is they have put in 11 years of service. If they have any rights, it may be against the canteen managing committee. But although it was made a party before ALC (C), Visakhapatnam. Unfortunately, they are not made a party before me. Hence, although the petitioners have put in 11 years of service, but they did not acquire any right against the railways. Hence, the reference is answered that the demand of Sri V. Shiva Sudhkar & 13 others working as canteen employees in the divisional office staff canteen, DRM office, South Eastern Railway, Waltair Division, Visakhapatnam for regularisation is not justified. Hence, the petitioners are not entitled for any relief against the railways.

Dictated to Sri P. Kanaka Raju, transcribed by him, corrected and pronounced by me, on this the 16th May, 2005.

E. ISMAIL, Presiding Officer

Witnesses examined for  
the Petitioner

WW 1 to WW 14

Witnesses examined for  
the Respondent

MW 1

#### Documents marked for the Petitioner

- Ex. W1: Postal Receipt
- Ex. W2: Postal Receipt
- Ex. W3: Postal Receipt
- Ex. W4: Postal Receipt
- Ex. W5: Postal Receipt
- Ex. W6: Photo showing the petitioners working
- Ex. W7: The free second class pass given to one of the petitioners V. Rama Rao
- Ex. W8: Lr. dated 18-1-2000 from Divnl. Personnel Officer to Secretary, DRM's Office Canteen.
- Ex. W9: The document with annexure showing my date of appointment as 24-3-94 and Lr. of Secretary, DRM's Office canteen to Sr. DPO, Waltair dated 31-10-2000.
- Ex. W10: Shows increasing in rate of Idly and Meals.
- Ex. W11: Another photograph.
- Ex. W12: Another railway pass
- Ex. W13: Shows the cadre of staff at the time of closing
- Ex. W14: Shows about the channel of promotion in the statutory and non-statutory canteen.

#### Documents marked for the Respondent

- Ex. M1: The Lr. dated 17-10-2001 to Secretary, Canteen Committee.



- Ex. M2: Letter dt. 21-2-1984 from Desk Officer to General Manager.
- Ex. M3: Letter dt. 18-5-1990 about implementation of Supreme Court Judgement.
- Ex. M4: The Railway Board letter dt. 5-6-1990 Central Govt. Group Insurance.
- Ex. M5: The railway board circular dt. 30-7-1990 regarding implementation of Supreme Court Judgement.
- Ex. M6: The another railway board's circular dt. 30-7-1990.
- Ex. M7: The circular issued by railway board dt. 21-12-1979 regarding leave rules.
- Ex. M8: The copy of the extract of Railway establishment manual, Sec. F, Para 2229 to 2240.
- Ex. M9: The master circular of canteens in Indian Railways dt. 29-11-1991 under MC No. 38/91.
- Ex. M10: The circular issued by the railway board dt. 11-1-1994 with regard to the provision of statutory and non-statutory (recognized) canteens.
- Ex. M11: The letter to DRM by the then DCOS with regard to inadequate staff duly signed by all the four committee members.
- Ex. M12: It is a reply to Ex. M11.
- Ex. M13: Letter dt. 15-2-1994 which was about formation of committee to run the canteen.
- Ex. M14: Representation dt. 24-7-1999 by the canteen petitioners to the G.M.

नई दिल्ली, 26 जुलाई, 2005

का. आ. 2976—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ हैदराबाद के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या आई डी 271/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-7-2005 को प्राप्त हुआ था।

[सं. एल-12014/6/2005-आई. आर. (बी-1)]  
अजय कुमार, डैस्क अधिकारी

New Delhi, the 26th July, 2005

S.O. 2976.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I. D. No. 271/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad now as shown in the Annexure

in the Industrial Dispute between the employers in relation to the Management of State Bank of Hyderabad and their workmen, which was received by the Central Government on 25-7-2005.

[No. L-12014/6/2005-IR(B-1)]  
AJAY KUMAR, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

#### PRESENT :

Shri E. Ismail, B.Sc. LL.B., Presiding Officer

Dated the 9th May, 2005

**Industrial Dispute L. C. I. D. No. 271/2001**

#### BETWEEN :

Shri Rahmat Ali ... Petitioner

#### AND

1. The State Bank of Hyderabad rep. by its Managing Director/ General Manager.
2. The Zonal Manager, State Bank of Hyderabad, Hyderabad.
3. The Regional Manager, Region-I, State Bank of Hyderabad, Hyderabad. ... Respondent

#### APPEARANCES :

For the Petitioner : Shri Premraj Yadav, Advocate  
For the Respondent : Shri AVSS Prasad, Advocate

#### AWARD

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgement of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts of the case as stated in the claim statement are that the Petitioner joined as clerk in State Bank of Hyderabad, Karimnagar branch in the year 1971. During November 1975 he was transferred and posted at Head Office, Gunfoundary, Hyderabad. On 24-11-1980 he was transferred and posted at Darussalam branch, Hyderabad where he worked as clerk till 6-12-1983 when he was transferred to Gruhakalpa Branch and subsequently nearly after two months was again transferred to Hussaini Alam Branch. On 2-8-1984 the Petitioner was placed under suspension pending enquiry into certain allegations. On 2-1-1986, a chargesheet was

issued and enquiry was initiated. In spite of repeated requests, certain vital documents were not furnished to the Petitioner to prepare his defence. Further, the Petitioner was denied the assistance of a legal counsel without any basis. The enquiry was commenced on 15-10-1986 and adjourned to 18-12-1986. On 18-12-1986, the enquiry was adjourned without any proceedings being recorded and after the Petitioner had left, the enquiry took place behind Petitioner's back and proceeded ex-parte on 19-12-1986 without any notice or knowledge to him. On 30-9-1988, the disciplinary authority passed the order dismissing the Petitioner from service without giving him an opportunity of personnel hearing as required under bipartite settlement. The order served upon the Petitioner was not signed by the authority and was sent along with a copy of the draft enquiry report. Subsequently signed copies of both the report and the order were sent to the Petitioner on the protest of the Petitioner. However, it is clear that there was no original enquiry report and there has been tampering with the records. Further, the order of the Disciplinary Authority is based on extracts of deposition of Management witnesses, which were not recorded by the enquiry officer. As against the order of the Disciplinary Authority the Petitioner filed an appeal before the 2nd Respondent herein—the Appellate Authority. The 2nd Respondent without any application of mind and without having received the proceedings of the lower authority, dismissed the appeal and confirmed the order in toto, by its order dated 20-10-1989, which was received by Petitioner on 26-10-1989.

3. The alleged cheques, which were passed by the manager directly, were never received by the Petitioner for posting in the ledger and question of making initials on the cheques by the Petitioner did not arise. Further, MW1 is not competent witness to identify the initials on the disputed six cheques, as he was not working in that branch during the relevant time. Above all, a perusal of six initials on the six cheques would show that there is any amount of variation and it is fraud played by the manager. Thus, the finding is perverse and is liable to be set-aside.

4. Admittedly, the cheques in question did not bear his initials nor were they posted in ledgers and listing in the day book of those cheques cannot in any manner indict the Petitioner. As per the practice, all the credit and debit transactions of the day at various counters are rolled together in bunch and entered in the day book and writing day book is a mechanical function undertaken by any of the clerks. The reasoning that while listing of the day book, one must see whether the transaction is entered in the ledger book is indeed perverse and above all there is no rule to that effect. Further, posting of the ledger is done during business hours and writing of day book is undertaken after business hours.

5. The cheques which were already directly passed by the manager and encashed before the cashier have to

be posted in the ledger and the question of referring them to the cheques referred and returned registers does not arise. The said register is meant for cheque, which were not passed and paid and are required to be returned to the presenter of cheque. The cheques, which are encashed, are never referred to such register. Further, the overdraft facility available in various customers is within the knowledge and discretion of manager and the Petitioner cannot be made liable on that account, especially when the limit book is a secret documents in the safe custody of the Manager.

6. There is no rule requiring the Petitioner that all the previous entries must be got checked and that resultant balance should be got authenticated by supervising official of the bank. The alleged cheque No 228429 never reached him for posting in the ledger and he never initialed the same. As regards passing the undated and post dated cheque is concerned, it is admitted by the Petitioner that it was done on account of inadvertence and admittedly neither, the maker of the cheque nor the bank suffered any loss.

7. The Petitioner is not concerned with demand purchase transaction. The cheques in question were purchased on 3-6-1982 and 28-6-1982 and they were retained till 30-12-1982 without any knowledge of the Petitioner. Further, they were presented for clearance after they became stale for which the Petitioner cannot be held liable. Further, all the vouchers including demand purchase vouchers are written as dictated by the manager in exercise of his banking and accountancy directions and expertise and the Petitioner is not expected to question the said direction or expertise nor is he expected to be possessed of such power of direction or expertise.

8. The allegation that the Petitioner had derived pecuniary benefit to the extent of Rs. 3,00,000 is perverse inasmuch as the total amounts that lay in fixed deposits of the Petitioner and his family members was a sum of about Rs. 1,23,000 and the authorities never took into consideration the withdrawals and debit entries in the account but only added up the credit entries. Further, the sources of all the fixed deposits were clearly given in the explanation to charge memo and also before the appellate authority which was not even adverted to by the appellate authority.

9. The four relatives of the Petitioner deposited some amount with the Respondent bank included the Petitioner's name so that they can get 1% more interest as the Petitioner was the bank staff but the Respondent bank withheld the deposited amount on the plea that the said amounts were the result of misappropriation of funds committed in the Respondent bank. It is pertinent to note that the Deputy Commissioner of Police, Detective Department, CCS, Hyderabad had investigated the case against the Petitioner and addressed a letter



dated 25/27-10-1989 to the bank advising them that they had no objection to the bank releasing the deposits to the depositors. In spite of the police directing the bank to release the deposits to the depositors the bank did not pay the deposits.

10. The Petitioner herein filed a memorandum of complaint on the file of the Hon'ble Court of the Banking Ombudsman along with the four deposit holders against the Respondent bank. The office of the Banking Ombudsman after pursuing the entire record and on merit rejected the aforesaid allegations of the Respondent bank and directed the Respondent bank to pay the amount of the four deposits to the four depositor together with interest applicable for term deposits for the relevant period on quarterly compounding basis from the due dates of the deposits till the date of payment and also pay a sum of Rs. 5,000 each to every one of the depositors towards expenses vide complaint No. 197/2000-2001 dated 21-12-2000. In pursuance to the said order as referred to supra the Respondent bank paid the entire deposit together with applicable interest. This clearly establishes that the allegations levelled against the Petitioner herein, are false, baseless, concocted and unsustainable.

11. The Petitioner while writing drafts and bankers cheques entered the same in the register by filling the required columns and that the required entries in the draft sold register and cancelled documents register are to be done by the manager for which the Petitioner cannot be held liable.

12. The Petitioner nor the peon who was attending to dispatch were not questioned at the time of audit about the shortage of Rs. 80.60 paise nor was it entered in the dispatch register and the Petitioner cannot be held liable for the same. The Petitioner had been denied access to the limit book which forms the basis of several chargers and non-furnishing the limit book and other documents had vitiated the entire enquiry. The basic allegation running through all the charges is that he was acting in collusion with branch manager, whereas there is absolutely no material whatsoever to establish the truth of such allegation.

13. The duties of a clerk are clarified in paragraph 317 of Sastry Award and further clarified in Bipartite settlements, which clearly show that "a clerk is generally a person who does routine work of writing, copying and making calculation under the direction and supervision of officer." Thus, almost all the charges levelled against the Petitioner fall beyond the scope of the duties of the Petitioner, for which he is not liable.

14. The Petitioner had always attended normal duties, and no violation of normal duties is described to the Petitioner. Further, the Petitioner was never allotted any special allowance duties nor was paid any special

allowance and most of the charges relate to special allowance duties, which are not allotted to the Petitioner. The Petitioner ought to have been permitted to the assistance of legal practitioner and failing of exercise of power provided in the rules is arbitrary and capricious. The charges levelled against the Petitioner do not amount to gross misconduct and the punishment of dismissal from service is not commensurate with the nature of charges. Hence, it is prayed that this court may be pleased to reinstate the Petitioner with all attendant benefits and back wages.

15. A counter was filed stating that the Petitioner joined as clerk in the SBH, Karimnagar branch in 1971 and transferred to Head office, Hyderabad in 1975 and again transferred to Darusalam branch, Hyderabad on 24-11-80 and later on 6-12-83 he was transferred to Gruhakalpa Branch, Hyderabad.

16. The Petitioner while working at Darusalam branch, Hyderabad committed various irregularities including misappropriation of funds attracting major penalty. He was suspended on 2-8-84 and charge memo was issued to him on 2-1-1986. On 11-4-1986 reply was submitted by the Petitioner. Not satisfied with the explanation a charge sheet containing eight charges was issued on 11-8-1986 and the enquiry was commenced on 15-10-86 and concluded on 6-11-1987. On 31-12-1988, the Disciplinary Authority passed an order dismissing the Petitioner from bank's service. The Domestic Enquiry was conducted as per principles of natural justice and as per bipartite settlements.

17. On the appeal of the Petitioner, the Appellate authority, after reviewing the records of the disciplinary proceedings and disciplinary authority's order, had arrived at the decision of confirming the dismissal order passed by the disciplinary authority. The orders of the appellate authority are as per procedure for disciplinary action as provided in the Bipartite settlement governing the service of the dismissed employee. The appellate authority after reviewing the entire records, disciplinary authority's order, had arrived at an independent decision after giving elaborate reasons in orders running to 18 pages. The allegation of the Petitioner that the disciplinary authority shifted the burden from the head of the concerned authorities responsible for all sort of irregularity to that of Petitioner is false, baseless, and concocted. The Petitioner was given adequate opportunities at all stages to defend himself and that the enquiry was conducted by following Principles of Natural Justice. As the charges are proved against the Petitioner, it is prayed that the Hon'ble court may dismiss the Petition.

18. This court heard on the VDE and held by a detailed order dated 6-2-2003 that the Domestic Enquiry is validly conducted. This court heard arguments under

Section 11(A) of ID Act. The question is whether under this circumstance, the Petitioner is entitled for any relief.

19. It is argued by the Learned Counsel for the Petitioner that the branch had one branch manager Shri Syed Taher. The manager sanctioned advance to the borrowers under his discretion and powers. This advance were properly recovered and the only irregularity committed by Shri Syed Taher was having sanctioned advances to borrowers exceeding his limit of sanctioning power. There is no fraud, no misappropriation of any amount, no embezzlement of amount, no cheating, no duping activities and nothing sort of any illegality by Petitioner. The bank is equipped with four different agencies to carryout functions of Audit & Inspection of all branches and every agency being independent in performing its duties and no loss was traced by any of the agencies during their investigation at the time of audit of the bank.

20. The Petitioner is duly bound to obey the oral & written instructions issued by branch manager. the charge No. 1 is that the Petitioner initialed on cheques in token of having posted in the respective ledger accounts though actually the Petitioner did not post this cheques are groundless because the initials found on various cheques are distinct and different from each other. Not a single initial matches with other initials. That itself indicates that the Petitioner did not initial on the cheque stated in the charge.

21. That all cheques have been passed by then branch manager Shri Syed Taher. As such any allegation in respect of any amount drawn/over drawn in excess of limit..... out of any overt/covert responsibility of the Petitioner. The Petitioner is not aware of such transactions. The charge speaks about the collusion with Shri Syed Taher in payment of cheques without posting in ledger accounts. The charge is groundless as it says that the Petitioner appear could have colluded with the then branch manager.

22. According to section 325 of Sastry Award "A clerk is does a work of a routine or mechanical nature and has no responsibility to take final decision in most of the matters which come in his hands". The 2nd Charge is that several cheques were presented at branch without any initials of the counter clerk and all the cheques were passed for payment by Shri Syed Taher. The Petitioner has not ensured the posting of the cheques. It is argued by the Learned Counsel for Petitioner that the cheques were directly sent by branch manager to cashier, hence under the given circumstances, without entries made by the Petitioner in daybook, without making entries into ledger is nothing but clearly establishes that the cheques have been directly sent by branch manager to cashier without sending the cheques for posting.

23. The 3rd charge is that he has posted number of cheques in ledger accounts though the resultant balances were in excess of the sanctioned/recorded limits. The charge is that though there is not sufficient amount in the account he did not return but posted in ledger account. The cheque are passed by Shri Syed Taher. The arguments by the Learned Counsel was it was ordered by the manager to make an entry hence he was bound by the same.

24. The charge No. 4 is that a cheque for Rs. 10,000 of Rizwan Enterprises cheque number 754862 dated 26-3-86 and presents for payment on 26-3-83 and the cheque was passed. Similarly cheque for Rs. 22,296 was not dated. The argument for this is that it was his own account and as he was regular customer, the mistake crept on. Similarly, the alteration of cheque number 228429 dated 24-2-1983 of MA Samad from Rs. 25,000 to Rs. 55,000. It is argued that it was posted for payment by Shri Syed Taher hence he has no role to play. That about the demand purchase account, the DDs for Rs. 30,000 and Rs. 40,000 were presented for clearance after they had become stale. However, on the same date an aggregate Rs. 70,000 was debited to the branch, afterwards Rs. 20,000 was debited to the branch and all are passed by Shri Syed Taher. Hence, he has no role to play. Further allegation that he has opened 3 deposits of Rs. 50,000, Rs. 25,000 and Rs. 23,000 in different names and also cleared loans outstanding that these accounts were in the name of family members which goes to show that he gained pecuniary benefits out of the above transactions and secreted the amounts. The Learned Counsel argued that the Banking Ombudsman passed an order as follows : "bank to pay the amount of the four term deposits to the four complainants together with interest, applicable for term deposit for the relevant period, on quarterly compounding basis from the due dates of the deposits till the date of payment and also pay a sum of Rs. Five thousand each to every one of the complainant towards expenses." Accordingly, the Petitioner disposed of his and his father's property at Special D Class, Mallepally, Hyderabad and another house at Salarjung Colony, Hyderabad and deposited sale consideration in the bank in the name of family members. Further, no action was taken against them by ACB, which shows to go that the amount belongs to him.

25. It is argued that the shortage of Rs. 80.60 cannot be attributed to him because the Petitioner was not asked to maintain the account of expenses about despatch and postage work.

26. It is argued that the Respondent bank initiated legal proceedings against other employees of the bank too and one among them was Smt Yasmeen working as clerk in the same branch. It is pertinent to note that many charges levelled against her are one and the same which have been levelled against the Petitioner. E.P. Charge No. VI and VII. Likewise the Petitioner was implicated in those

works which were not at all done by him to the contrary, many of the desk works were done by other employees e.g. Smt. Yasmeen, Mr. Parlekar, Mr. R. Raghu etc. The Petitioner was not issued any job card by Respondent bank specifying the work to be carried on by clerk. As such the Petitioner as a clerk carried on the work instructed/ordered by manager. Smt. Yasmeen even though was implicated in various criminal cases was acquitted and was reinstated in the same job. Whereas the Petitioner was at not all implicated in any criminal case nor any other proceedings were initiated against him, as such the question of the Petitioner being found guilty of any charge as referred in the charge sheet does not arise at all. That no charge can be fixed on the Petitioner for the reason being that the Petitioner was working as a clerk i.e. an employee of obedience of the order of his superiors. He did the job as per the instructions and orders passed by his superiors. The work done by Petitioner was purely clerical nature and was subject to verification, scrutiny and inspection by superior officer. The superior officer was duly bound to find out and verify as to whether the work done by Petitioner was in order and to rectify the error or mistake (if any) found to have been committed by Petitioner. Any work done by Petitioner cannot lead to release of amount from the bank under any circumstances. The passing officer or competent authority is vested with the power to release the amount to any borrower or others. The Petitioner is no way concerned in any manner with regard to any order or orders passed by his superior officers in respect of sanction of advances to borrowers. Besides, the superior officers are vested with the powers to do the work themselves or cause it to be done by any other employee/clerk instead of the Petitioner.

27. He relied on 1985 LAB IC 1325 where in it was held illegal termination of service—normal rule is reinstatement with full back wages—fact that the employee did not make any efforts to secure gainful employment has no relevance. He also relied on 1988 LAB IC 833 where in it was held Attendant in Dairy Development Corporation entrusted with duties of receiving milk, weighing it and making entries in several registers—His services terminated for manipulating entries in weighing register—Delinquent not gaining any money by such manipulation—Held, punishment of dismissal was harsh. He also relied on 1987 LAB IC 1391—Dismissal of workman found to be wrongful—Normal rule is to grant relief of reinstatement—workman not in service after dismissal for long time because of Management's attitude—it is not an exceptional case for refusing relief of reinstatement.

28. He therefore prays that all these delay occurred as he had approached in the first instance Hon'ble High Court of A.P. in 1990 vide Writ Petition No. 11222/1990 by mistake which was withdrawn in 2001. Therefore the delay. Immediately after Writ Petition was withdrawn he has approached this court in 2001 only.

29. The Learned Counsel for Respondent argued that the Petitioner had colluded with the then branch manager Shri Syed Taher in effecting fraudulent payments. That the petitioner while working as Clerk at S.B.H., Darusalam, Branch, committed various irregularities including misappropriation of funds attracting major penalty, he was placed under suspension on 2-8-1984. On 2-1-1986 the charge memo was issued to the petitioner. On 11-4-1986 reply was submitted by the petitioner, not satisfied with the explanation a charge sheet was issued on 11-8-1986 by the disciplinary authority/Regional Manager, Region-I, Hyderabad comprising of 8 charges and enquiry was commenced on 15-10-1986 and concluded on 6-11-1987. On 31-12-1988 the disciplinary authority passed an order dismissing the petitioner from the Bank's service, after appreciating the entire record of the petitioner, and the domestic enquiry was conducted as per principles of Natural Justice after giving due opportunity to the petitioner as per Bipartite settlements and the appellate authority after reviewing the entire records of the disciplinary proceedings and disciplinary authority's order had arrived at an independent decision confirming the dismissal order from Bank service passed by the disciplinary authority. The appellate authority had not interfered with the orders of disciplinary authority, as there are no extenuating factors to reconsider the orders passed by the disciplinary authority.

30. It is argued that the petitioner was given full/ample opportunity to verify and peruse the documents. The contents of letter No. R1/DISC/87, dt. 12-2-86 of Region-I, Z.O., Hyderabad substantiate the fact that the petitioner was given ample time and chance to defend himself in all respects.

31. It is argued that it was recorded during the enquiry that due opportunities were given for providing defence. However, the charged employee's request for permission to be defended by an Advocate was dealt within accordance with the provisions of Para 19-12 (III) of Bipartite settlements. The permission for engaging an Advocate was not accorded as it is evident from the letter No. R1/DISC 602, dt. 21-10-1986. It is submitted that the records of proceedings, it is evident that the petitioner was present all through the enquiry proceedings and refused to sign the record of proceedings held on 22-10-86 and 23-10-1986. On the next day of proceedings i.e. 18-12-86, the record of proceedings indicate that in an attempt to stall the proceedings, he was taking a defiant stance and walked out. It was, therefore decided to hold the enquiry *ex parte*. Proceedings held on 29-7-1987 indicate that the charged employee attended the enquiry and despite giving due opportunities to cross-examine MW I, he stated 'NO' to Cross-examine. The proceedings further indicate that the charge sheeted employee expressed his unwillingness to cross-examine MW II also. The petitioner when called upon to give a list of defence witnesses agreed to give the

same in a week's time (vide proceedings dt. 29-7-1987). The proceedings of 6-11-1987 indicate the petitioner's refusal to produce any instrument on his behalf. The petitioner refused to sign the proceedings on that date i.e. 6-11-1987.

32. It is submitted that the request of the petitioner, for personal hearing was allowed on 1-5-89, and again on 25-7-89. The position indicates that the opportunity for the personal hearing was given when requested by the charged employee. It is submitted that the orders of the appellate authority are as per procedure for disciplinary action as provided in Bipartite settlement governing the service of dismissed employee. The appellate authority after reviewing the entire records and disciplinary authority order, had arrived at an independent decision after giving elaborate reasons in its orders. The explanations substantiating the charges and the mode of justifying the charges based on record evidence and opportunities given to the petitioner is detailed as under for better understanding of the case by the Hon'ble Tribunal.

33. It is submitted that the reasoning of the appellate authority was entirely based on facts before it and it discussed the irregularities committed by the petitioner during the service and the allegations that the acts of the petitioner committed during the service are discharge of official duty within the four corners of the law is incorrect and not maintainable on facts/records and in law.

34. It is submitted that the petitioner initialed the cheques and Syed Taher the then manager passed them for payment. While it is a common practice, to issue a token before the cheque is posted in the ledger and in all the cases non issuance of tokens and not posting of the cheques in ledgers but initiating on such charges make others believe that they are posted in the ledger are some of the actions that preceded/facilitated the payments. Hence the charge is established that the action of the employees resulted in the accounts being over drawn by huge amounts and the petitioner had colluded with Sri Syed Taher the then branch manager in effecting fraudulent payments of the amounts. Therefore, it is submitted that the finding is based on evidence. The petitioner having worked in the branch is competent to identify the initials/documents and his not working at the relevant period is not infirmity to reckon the depositions made by him during the enquiry. Hence, the findings are based on sound reasoning.

35. It is submitted that the petitioner handled the instruments for the purpose of writing the tables, though not for posting in the ledgers. Since the folio number and name of the account has to be written in day books, the absence of folio number and initials should have made him to refer to the folio to verify the postings in the ledger as he was ledger keeper in Darusalam Branch. He has also not taken steps to have the cheques posted in the ledger.

While this is the case in case of current accounts, he has exclusively written the debit entries in case of cash credit accounts. Here also the cheques were not posted and the fact is clear from the absence of folio number and initials on the cheques. Being aware of the absence of postings and the repercussions that go along with it, he remained silent and lent support to the clandestine transactions..

36. It is submitted that the petitioner posted a number of cheques in ledger account, even though the resultant balances were excess of sanctioned/recorded limits, those cheques were not referred through the cheques referred and returned register indicating the actual position of the accounts. The petitioner posted the cheques in the ledger account knowing fully well that the accounts were getting overdrawn. While the cheques were passed for payment by Sri Syed Taher, the employee thus colluded with the branch manager in making fraudulent payments. In the instant case the established procedures are given a go by and the accounts have been debited indiscriminately. The resultant huge over drawn balances in the absence of any established/limits very clearly established the charge against the petitioner. His connivance with the Branch manager is clear and complete, when it is noticed that one posted the cheques and other passed for payments. Thus, appellate authority based on records came to conclusion that the petitioner has committed serious irregularities on his own apart from the branch manager. This findings based on record clearly indicate that the petitioner has committed gross irregularities which cannot be looked in lenient view and thus, the order of dismissal is correct on any count.

37. It is submitted that as per the laid down procedures, the drawings are to be allowed to the extent of limits mentioned on the ledger sheet. No secrecy is involved in this matter. Any withdrawals/cheques beyond the sanctioned limits are to be referred through the cheques referred and returned register to obtain and record the authorization to permit the excess drawings. Which were not done by the petitioner. Thus, the petitioner has committed gross irregularities which cannot be looked in lenient view and thus, the order of dismissal is correct on this count also.

38. It is submitted that the petitioner posted number of cheques in various ledger accounts. While posting such cheques, he failed to ensure that the previous entries and the resultant balances are checked by the Supervising officials. By positing those debit entries even though the previous balances are not authenticated by the supervision official the charge sheeted employee exposed the Bank to risks. The fact that he went ahead with the postings without raising any objections is one of the indications of the petitioner's support to the clandestine dealings at the branch. The fact that he is negligent in discharge of duties needs no elaboration/emphasis. In the process the

petitioner facilitated fraudulent payments being made at the Darusalam branch. The charge therefore is established, that the petitioner committed grave irregularities. Thus, the petitioner has committed gross irregularities which cannot be looked in lenient view and thus, the order of dismissal is correct on this count also.

39. It is submitted that no prudent employee will meekly obey the orders knowing fully well that the instructions are irregular and against the laid down procedures, unless he had other intention of mala fide nature. The established procedures in respect of immediate presentation in the clearing, recoveries from the parties in respect of the instruments returned, are intentionally sidetracked. By preparing all the spurious and fictitious vouchers the petitioner has lent a strong support to others in effecting fraudulent payments. Adequate steps have been taken to see that the controlling authority is kept in dark about the relevant transactions. Thus, the petitioner's hand in preparing spurious debit vouchers and posting them in ledgers is a clear indication of his involvement in the episode. When the transactions on their face were seen fictitious no word of protest/resistance had come from the petitioner and he made his own contribution by the preparation/posting of the vouchers. Thus, the petitioner is found guilty of his own misconduct. Thus, the petitioner has committed gross irregularities which cannot be looked in lenient view and thus, the order of dismissal is correct on this count also.

40. It is submitted that the balances deposited are held by the petitioner or his family members in various accounts during the relative period clearly prove the undue pecuniary benefits derived by the petitioner. This view is further strengthened by the fact that the petitioner could not produce any satisfactory evidence to rebut the allegation, and also failed to reveal the sources of his earnings to the extent of Rs. 3.00 lakhs as against the employees net salary income during the period is only Rs. 5,000 p.m. The petitioner stated that the sale proceeds of house property was the source of funds held in the above manner without any supporting evidence thereon and the contentions raised by the petitioner in the Written Arguments about the manner and in the mode in which the deposits were returned to the concerned after police investigations and the orders of banking Ombudsman for lack of proper proof of involvement of the petitioner in the balances deposited are held by the petitioner or his family members does not by itself give a clean chit to the petitioner's conduct which is still debatable as the petitioner is engaged in a Nationalized Institution where trust is the most important thing than any other considerations. Therefore the petitioner is found to have committed irregularities and enriched himself at the expense of the Bank. Thus, the petitioner has committed gross irregularities which cannot be looked in lenient view and thus, the order of dismissal is correct on this count also.

41. It is submitted that the responsibility of all the persons to handle the instruments to ensure that every form is properly accounted for while missing of even one form, is fraught with grave consequences. Preventive measures have not been taken by recording them in the cancelled documents register. While diligence and constant vigil is expected of the petitioner the passive silence is a clear indication of his negligence in protecting the interests of the Bank. Thus, the petitioner committed and omitted the acts which are to be done by him. Thus, the petitioner has committed gross irregularities which cannot be looked in lenient view and thus, the order of dismissal is correct on this count also.

42. It is submitted that the responsibility for the shortage in postage cannot be attributed to the peon, as the petitioner is the recipient of the advance and has to account for the amount to the Bank. Thus, the petitioner committed irregularity by not properly accounting for the money held by him towards postage. Thus, the petitioner has committed gross irregularities which cannot be looked in lenient view and thus, the order of dismissal is correct on this count also.

43. It is submitted that the petitioner acted in collusion with the branch manager and appellate authority confirmed the dismissal order after reviewing disciplinary authority's order and enquiry findings thoroughly. Thus, the petitioner has committed gross irregularities as stated above, which cannot be looked in lenient view and thus, the order of dismissal is correct, on any count.

44. It is submitted that the findings of the disciplinary authority are in order and the appellate authority after reviewing the entire records had arrived at an independent decision and the petitioner was given adequate opportunities at all stages to defend himself and the enquiry is conducted by following principles of natural justice and thus the allegation that the domestic enquiry against the petitioner is illegal, farce and biased is untenable and maintainable in law, as the very fact that this Hon'ble Tribunal held the domestic enquiry conducted by the respondents as valid.

45. It is submitted that as the domestic enquiry is perfectly in order this Hon'ble Court held the same as valid by this Hon'ble Court. Moreover, the petitioner filed a Writ Petition and dragged the matter for 10 years and had the Writ Petition withdrawn and filed the present I.D., and thereafter dragged the case on one count or another for 3 years and the petition deserves to be dismissed on laches also.

46. It is submitted that the order of the appellate authority concurring with the orders of the disciplinary authority is perfect and it is a reasoned order as per bipartite settlements and the orders are passed following the principles of natural justice. The attempts in the written

arguments that clerk is governed by the banking practices and Bipartite settlements that he has to do nothing but simply obey the orders of the Manager and that the Bank is untenable in law as the petitioner worked for consideration by receiving monthly salary and answerable to the Bank in particular and public in general being an erstwhile clerk in the Bank which is a Nationalized Institution and justify his actions and as he committed the irregularities detailed above no interference is necessary by this Hon'ble Court under Section 11(A) of Industrial Dispute Act for taking any lenient view and the petitioner is not entitled to any relief much-less the relief claimed in the present I.D. as the trust on which the Bank is established was shaken by the unwarranted doubtful conduct in discharge of his duties by the petitioner.

47. It is submitted that the orders of the appellate authority dt. 20-10-89 is in order and needs no interference from this Hon'ble Tribunal and the petitioner is not entitled for re-instatement much-less for all service benefits from the date of suspension and the alleged injustice meted by him as claimed in this petition. Hence, it is prayed that the Hon'ble Court may be pleased to dismiss the petition with exemplary costs.

48. He relied on 2001 ILLJ page 725 wherein Supreme Court held Dismissal from service—For short collection of fare from passengers by Respondent—Conductor—Labour Court awarded lesser punishment by reinstating him with back wages—High Court awarded full back wages—Conductor being in service for 22 long years, hard to believe that he did not know what correct fare was—Charging lesser fare could only be for financial benefit, putting appellant Corporation to loss—Act of Conductor either dishonest or grossly negligent—Not fit to be retained in service—Responsibility of Conductor to collect correct fare—Awarding of lesser punishment will be misplaced sympathy—Labour Court should not have set aside order of dismissal—As Conductor has since retired, reinstatement order not set aside—But no back wages to be paid—However will be entitled for retiral benefits.

49. He also relied on 2002 Supreme Court cases (L & S) 1093 wherein it is held that Penalty or punishment—Punishment—Scope of judicial review—Punishment awarded by disciplinary authority, unless shockingly disproportionate to the charge, held, should not be interfered with, in exercise of power of judicial review—Punishment of dismissal for non-issuance of tickets to some passengers in spite of collecting fare from them, inflicted on a bus conductor who had been in the past found to be involved in a large number of cases (more than 41 in this case) of similar nature and had not improved despite imposition of punishment of withholding of increments held, justified—Labour Court's opinion that the said punishment was too harsh and undeserved, held perverse—Industrial Disputes Act 1947, Ss. 11-A and 10

(1)(c)—Constitution of India, Art. 226—Interference in labour matters.

50. He also relied on 2003 Supreme Court Cases (L & S) 714 wherein it is held that ID Act, 1947—Sec. 11A—Labour Court's interference with quantum of punishment—Labour Court should exercise its discretion judiciously—Act of bus conductor of carrying passengers without issuing tickets amounts to dishonesty or grave negligence and for such misconduct punishment of removal from service is justified—Labour Court under Sec. 11-A while upholding the findings that Respondent was guilty of misconduct, held, was not justified in directing his re-instatement with continuity of service but without back wages.

51. It may be seen that this case has got a chequered history. The Petitioner joined the service in 1971 and he was suspended on 2-8-1984 and issued a chargesheet on 2-1-1986. On 30-9-88 he was dismissed from service. And he approached Hon'ble High Court of A.P. in 1990 and High Court on 8-8-2001 gave an order that he is permitted to approach Industrial Tribunal. So actually no delay on the part of the Petitioner in the sense that he has first approached High Court and High Court in 2001 permitted to approach Industrial Tribunal and accordingly he approached this Tribunal. It is not denied by the Respondent that no criminal case was booked against the Petitioner although a police complaint was given and the Petitioner was also informed on 2-8-84 that criminal action would be taken against him besides disciplinary action. In fact, on 25-10-1989 the Deputy Commissioner of Police has stated that he had no objection to release the bank account of the Petitioner. In fact, the Banking Ombudsman has ordered that the Deputy Commissioner of Police addressed the bank as far back as on 25-10-1989 that they had no objection to releasing the amounts and ordered as mentioned above. In fact the bank has filed a suit for recovery of amount for Rs. 45,445.47 where the Petitioner is 5th defendant which was decreed. Two things are clear. 1. He was not prosecuted and 2. He has not done any act independently. In fact the Hon'ble High Court in WP No. 11638/1989 which was filed by Smt. Yasmeen has remanded matter to the Disciplinary authority with regard to award of punishment wherein it was categorically mentioned that she was acquitted in CC 114 & 198 of 1989.

52. The punishment of dismissal is highly disproportionate and shocking to the conscious of the court keeping in view the charges and material on record. Mutes Mundai the same things apply to the Petitioner. In fact one more added advantage to him is that he has not been prosecuted. No doubt there is sufficient doubt he must have acted hand-in-glove with Syed Taher, the then branch manager. But it cannot be definitely said that he derived pecuniary advantage and the very fact that the Banking Ombudsman held a suit was filed against D1 to



D6 out of whom Petitioner is D5. It was decreed for Rs. 45,445 and some paisa & he directed the fixed deposits with interest & cost of Rs. 1000 each. So Smt. Yasmeen is also one of the defendants but she was reinstated in view of the insufficiency of the evidence and although great doubt is there that the Petitioner might have acted hand-in-glove with the manager, Syed Taher. But he was appointed in 1971 and dismissed on 30-9-89 and although the delay is not actually due to his fault, in fact, perhaps as the other Petitioner viz. Smt. Yasmeen has approached High Court, he has also approached Hon'ble High Court under mistake impression and when it was came up for final hearing he realized his mistake and approached this court as per directions of the High Court. But it was argued that he was already attained 55 years of age hence I am of the opinion that instead of reinstatement which may not be justified although Smt. Yasmeen, similarly situated person got reinstatement but I am of the opinion in the circumstances of the case a lump sum amount would meet the ends of the justice. Generally 9 months pay is given for 17 years of service as compensation but seeing the length of the suffering the Petitioner has gone in and in fact the pay is 1989 when he was dismissed must be less, hence while confirming the dismissal order dated 30-9-1989, he shall be paid 17 months gross wages i.e. his last gross pay multiplied by 17 must be paid to the Petitioner within 30 days from the publication of this award failing which he is entitled for the said amount with 6 per cent simple interest per annum.

Typed to my dictation by Shri J Vijaya Sarathi, LDC, corrected and pronounced in the open court by me on this 9th day of May, 2005.

E. ISMAIL, Presiding Officer

#### Appendix of Evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

#### Documents marked for the Petitioner/Workman

NIL

#### Documents marked for the Respondent

NIL

नई दिल्ली, 26 जुलाई, 2005

का. आ. 2977—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ हैदराबाद के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या आई. डी.

5/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-7-2005 को प्राप्त हुआ था।

[नं. एल-12014/5/2005-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 26th July, 2005

**S.O. 2977.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 5/2003) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Hyderabad and their workman, which was received by the Central Government on 25-7-2005.

[No. L-12014/5/2005-IR(B-1)]

AJAY KUMAR, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

#### PRESENT:

Shri E. Ismail, B.Sc. LL.B., Presiding Officer

Dated the 2nd May, 2005

Industrial Dispute L. C. I. D. No. 5/2003

#### BETWEEN:

Pallapu Narsimulu  
S/o Subanlu, age : 33 yrs  
Occ : Unemployed, H.No 5-12,  
Tellapur, Ramachandrapuram Mandal  
Medak District ... Petitioner

#### AND

1. The Regional Manager  
State Bank of Hyderabad  
Secunderabad Zone, Zone-III  
Secunderabad
2. The Zonal Manager,  
State Bank of Hyderabad  
Secunderabad Zone, Zone-III  
Secunderabad
3. The Branch Manager,  
State Bank of Hyderabad,  
Ramachandrapuram Branch  
BHEL, Medak District-32 ... Respondent

**APPEARANCES:**

**For the Petitioner :** Shri V. Parasu Rama Rao,  
Advocate

**For the Respondent :** Shri AVSS Prasad,  
Advocate.

**AWARD**

This is a case taken under Sec. 2A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

The brief facts of the case stated in the claim statement are that the Petitioner worked as peon in State Bank of Hyderabad, Ramachandrapuram branch from 1-1-1988 to 31-7-1991 on daily wages worked for 90 days and through petty cash for 875 days and in total worked for 965 days. He worked for more than 240 days in a year. Actually, he also had worked from 9-8-86 to 21-12-86 for 113 days. He was retrenched without any notice or notice pay or retrenchment compensation. Hence he may be reinstated with full back wages.

3. A counter was filed stating that as per guidelines the bank is not competent to engage or absorb daily wage workers. The Petitioner's claim is barred by limitation. The engagement is on contract basis lasting for a day only. Hence he is not entitled for any claim.

4. The Petitioner examined himself as WW1 and deposed to the facts stated in the Petition. Ex. W1 is service certificate and all other exhibits are Petitioner's representations and acknowledgements. In the cross-examination he admitted that he filed this case after a gap of 12 years.

5. The bank examined Shri P. Laxman Rao, branch manager, Ramachandrapuram branch as MW1 and he deposed that the Petitioner never worked for 240 days in a calendar year. That he approached after 12 years and he is not entitled for any claim. In the cross-examination he deposed that he has not filed any documents to show that the Petitioner has not worked for 240 days in a year.

6. Various arguments were put forth by the Learned Counsels for the Petitioner and for the Respondent. It may be seen that the Petitioner had worked according to him for 3 ½ years after his discharge in 1991 he approached this court in 2003 that itself is fatal to his case. Further, he admitted that Ex. W1 is not on the letter head of the bank. He denied that Ex. W1 is issued in proforma for this case. I cannot agree with MW1 because it was issued on

26-2-1992. The bank having records as to who was the manager then could have called him if he is in service or alive. The Petitioner has approached this court after 12 years hence he could not be given relief of reinstatement but as retrenchment compensation was not paid, he shall be given 2 months last drawn wages by the Respondent within 30 days from the publication of this award failing which the Petitioner is entitled for 6% simple interest per annum.

Award passed accordingly. Transmit.

Dictated to Shri J. Vijaya Sarathi, LDC, transcribed by him, corrected and pronounced by me on this the 2nd day of May, 2005.

E. ISMAIL, Presiding Officer

**Appendix of evidence**

Witnesses examined for  
the Petitioner

WW1 : P Narsimulu

Witnesses examined for  
the Respondent

MW1 : P Laxman Rao

**Documents marked for the Petitioner**

Ex. W1 : Service certificate dated 26-2-1992

Ex. W2 : Representation dt. 18-1-89 by Petitioner

Ex. W3 : Representation dt. 5-10-96 by Petitioner

Ex. W4 : Recommendation lr. of Br. Manager,  
Ramachandrapuram SBH branch

Ex. W5 : Reply to Ex. W4 dated 15-2-89

Ex. W6 : Recommendation lr. of Br. Manager,  
Ramachandrapuram SBH branch

Ex. W7 : Orders of Zonal Office dated 7-10-96

Ex. W8 : Legal notice dt. 27-4-2002

Ex. W9 : Acknowledgement dt. 27-4-2002

Ex. W10 : Representation dt. 18-7-98 by Petitioner

Ex. W11 : Interview letter dt. 3-2-1992.

**Documents marked for the Respondent**

Ex. M1 : Circular dt. 12-3-2001



नई दिल्ली, 26 जुलाई, 2005

का. आ. 2978—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या आई. डी. 88/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-7-2005 को प्राप्त हुआ था।

[सं. एल-12014/4/05-आई. आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 26th July, 2005

S.O. 2978.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I. D. No. 88/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of S. E. Railway and their workman, which was received by the Central Government on 25-7-2005.

[No. L-12014/4/05-IR(B-I)]

AJAY KUMAR, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

#### PRESENT:

Shri E. Ismail, B.Sc. LL.B., Presiding Officer

Dated the 4th day of April, 2005

Industrial Dispute L. C. I. D. No. 88/2004

(Old I.T.D. No. 88/2001 Transferred from Industrial Tribunal-cum-Labour Court, Visakhapatnam)

#### BETWEEN:

Sri Botchu Naghbhushana Rao,  
D. No. 14-14-1/a, Kamjoigipeta,  
Maharanipeta, Visakhapatnam. ... Petitioner

#### AND

1. The General Manager,  
S. E. Railways, Garden Reach,  
Calcutta.
2. The Divisional Railway Manager,  
S. E. Railways,  
Visakhapatnam.
3. The Secretary,  
Ore Exchange Yard Staff Canteen,  
S. E. Railways,  
Visakhapatnam. ... Respondents

#### APPEARANCES:

For the Petitioner : Sri A. N. Appa Rao,  
Advocate

For the Respondent : M/s. A. Narasimha Appa Rao  
& P. Ramana, Advocates

#### AWARD

This is a case taken under Sec. 2A (2) of the I. D. Act, 1947 by the Industrial Tribunal-cum-Labour Court, Visakhapatnam in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W. P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and transferred to this Court in view of the Government of India, Ministry of Labour's order No. H-11026/1/2001-IR (C-II) dated 18-10-2001 bearing I. T. I. D. No. 88/2001 and renumbered in this Court as L. C. I. D. No. 88/2004.

2. The brief facts as stated in the petition are : That the workman joined as Tea Maker in the Ore Exchange Yard Staff Canteen, Visakhapatnam i.e., Respondent No. 3 on 1-1-91 and was paid a salary of Rs. 250 p.m. He worked without any break from the date of appointment till April, 1994, the Management of R3 is under control of R2 which is under control of R1. That on 21-9-92 and 12-2-93, the workman and other staff of the canteen submitted an application to the Secretary, Government of India, Ministry of Railways, New Delhi requesting to regularize their services and treat them as Group 'D' employees of S. E. Railways and further submitted that the workman was paid a salary of Rs. 250 from the date of appointment till May, 1993. There after the Management paid him Rs. 100 p.m. Therefore the workman along with Sri B. Sambasiva Rao filed a case before the Assistant Labour Commissioner, Circle-II, Visakhapatnam under Minimum Wages Act. The case was numbered as P. W. 8/94 and the workman won the case and the Management was directed to deposit an amount of Rs. 3,000 towards deducted wages. The authority was also given direction to deposit an amount of Rs. 1,500 towards compensation. The said order was received by the workman on 5-1-2004. The amount was deposited and the workman received the same 22-6-2001. The Management terminated the services of the workman in the month of April, 1994 after filing the above case without any notice is illegal. That in place of the workman the son of 2nd Management was also appointed. He approached several times but to no avail. Hence, this petition. It is prayed that to direct the Respondent No. 3 to reinstate the workman with continuity of service and other attendant benefits, for costs of this claim.

3. A counter was filed by R2 denying all the allegations and stating that no employer and employee relationship existing between the R2 and the Petitioner. They have nothing to do except to encourage them as welfare activity. The Railway Administration has given

them free accommodation, water and electric power. Beyond this gesture railways did not do anything as regard to the maintenance and day to day functioning of the Canteen and not at all involved in its Management. That the staff themselves have elected one person as a Secretary who used to engage some outsiders and they have no say in the same. The representation is about the request for recognizing the Canteen as a statutory canteen and extends the privileges at par with all the statutory canteen staff. The said canteen is non-statutory and non-recognized canteen. That the railway administration has deposited the amount of Rs. 4,000 in pursuance of the order in P. W. 8/94 and appeal before the District Court. They are in no way connected with the canteen. Hence, the petition may be dismissed.

4. R1 filed a memo adopting the counter of R2.

5. R3, the canteen filed a counter stating that there is no relationship between the Petitioner and the Respondent. Hence, the Petition is not maintainable. That the gesture of the railways providing free accommodation, water and light has been misinterpreted by the Petitioner and has taken advantage of the orders in P. W. 8/94. Hence, the petition may be dismissed.

6. A rejoinder was filed by the workman stating that the Petitioner was paid wages of Rs. 250 p.m. from the date of appointment till May, 1993. Thereafter R3 paid him only Rs. 100 p.m. and then he repeats about the case and about withdrawing the amount as per the orders in P. W. 8/94. That he is not aware of any appeal filed against the orders in P. W. 8/94. But till date the workman did not receive any notice from the Appellate Court. All other allegations mentioned in the counter are all invented to avoid reinstatement of the workman.

7. The Petitioner examined himself as WW1 and deposed to the facts stated in the petition. That he has filed the original orders in LC 68/2002. The said order copy is Ex. W1. Ex. W2 is the Xerox copy of the cheque for Rs. 2,250 issued by the Assistant Commissioner of Labour, Visakhapatnam. Ex. W1 order becomes final, as no appeal was preferred. Ex. W3 and W4 are copies of representation made by him and others to the Secretary, Government of India, Ministry of Labour, New Delhi for converting their services into Group 'D'. R3 canteen is constituted within the premises of Railways and the Respondent are giving power supply to the canteen. R3 is earning profits. That he was terminated in April 1994. Therefore, he requested that he may be reinstated for continuity of service and back wages. In the cross-examination done by R1 and R2 he deposed that it is true that R1 and R2 did not give him any letter of authorization to work in the canteen. It is true that Railway authorities are not paying him salary. One Mr. Kanta Rao is the Secretary prior to Mr. Koteswara Rao who appointed him. He does not know whether the canteen is being run by Railway workmen by forming an association

and making contributions. He does not know whether there is any relationship between the Railway authority and the persons running the canteen. Ex. W1 is the order passed against the Railways. He did not file any proof showing the amount covered under Ex. W2 was remitted by the Railways. It is true that Ex. W2 was issued by Assistant Commissioner of Labour. He does not know whether the amount was remitted by the Railways from the staff canteen funds. He does not know whether any appeal was preferred against Ex. W1 order. That he denied that there is no relationship between him and the R1 and R2.

8. In the cross-examination done by R3 he deposed that he did not file order of appointment from R3. He did not file salary certificates. It is not true that R3 is running on no loss no profit basis. He was appointed by Mr. Kanta Rao. He does not know whether the said Mr. Kanta Rao is removed because of his mis-management. It is true that WW2 filed ID similar to the one filed by him. It is not true that he never worked with R3.

9. WW2 deposed that he has worked as conductor in APSRTC at Visakhapatnam. He knows WW1. Before joining the APSRTC he worked in the Ore Exchange Yard Staff Canteen with R3. That he along with WW1 filed P. W. 8/94. That he has also drawn same amounts. That Railways absorbed some employees of canteen who worked prior to me.

10. In the cross-examination he deposed that he filed similar case against the opposite party. He said that his case is pending before the Tribunal. The canteen is recognized. Then he said it is true that in Ex. W3 it was mentioned that requesting Railways for recognition of canteen and for given funds to run. It is not true to suggest that the request have nothing to do with the running of the canteen. He has no document to show that the canteen staff were regularized.

11. In the cross-examination by R3 he deposed that it is true that pay slips will be given to employees who are in government service and he was never given pay slips when he was working with R3.

12. Sri N. V. S. Krishna Rao, Head clerk in the R2 concern deposed as MW1. He deposed that WW1 never worked as Railway employee. No appointment order was given to WW1. Railways never paid any wages to him. Against the orders in P. W. 8/94, an appeal was preferred. WW2 also filed a case which has been transferred to this Court. In the cross-examination by R3 he deposed that R1 and R2 have not given any subsidy to R3 and R3 canteen is being run on the basis of no loss and no gain. Then in the cross-examination by the workman he deposed that he was not given any letter of authorization to depose. That there is an office note of D. M. E., nominating him for evidence. Counter filed by R2 was signed by Divisional

Mechanical Engineer dated 24-4-2002. R3 canteen is situated in the premises of Railways Premises, Power and Water are given free of cost to R3. That permanent employees of Railways are running the canteen. He do not have any idea whether the canteen was established 40 years back. He does not know whether some of the workers who worked in the R3 canteen were absorbed in the Railways.

13. Sri T. Koteswara Rao, Grade-I Mechanic in Ore Exchange Yard was examined as MW2. He deposed that he worked as Grade-I Mechanic in Ore Exchange Yard. He was also Secretary of the Ore Exchange Yard Canteen, Visakhapatnam and he is also Secretary of Ore Exchange Yard Staff Canteen, Visakhapatnam, i.e. R3. Petitioner Union nominated him as the Secretary of the said Canteen Management. He is Secretary since 1993. Since the day he assumed charge of the Management of R3 namely, Canteen, workman did not work in the Canteen. 6 persons are working in the Canteen now and they are working since 1993. The workers in the Canteen purchase the items and after sale of the items they share the income equally. The Railways, R1 and R2 are not providing any subsidy to R3. The Railway Department only provides free accommodation, water and electricity and that was for the welfare of the staff. The Petitioner did not work in their Canteen from 1991 to 1994 at any point of time. In the cross examination by R1 and R2 he deposed that he joined Railway Department in 1968. He was shifter to Ore Exchange Yard in 1994. Earlier to 1994 he was in the Railway Station and he had no knowledge about the existence of the present Canteen during his work in the Railway Station. He does not know whether the workman joined in 1991 or not. At the time he joined there are four or five workers working in the Canteen. Names were put to him, out of which he stated that he only knows Mr. K. Nageswara Rao. The Canteen is in the yard and that place belongs to the Railways. He denied that he is deposing falsely. He denied that the Canteen is running on private. The Railway Department deposited amount in the order P. W. 8/94 on the file of Assistant Labour Commissioner (C), Visakhapatnam and preferred an appeal. He denied that the Petitioner is to be provided with the job and himself and Railways have a duty to provide a job to the Petitioner herein.

14. It is argued by the learned counsel for the petitioner that the petitioner has worked in the Canteen from 1-1-1991 and merely because the petitioner and others have filed a representation to regularise their service, he was dismissed not only that before dismissal, the pay was reduced from Rs. 250 to Rs. 100 from June 1993 and the petitioner approached the authority under P. W. Act and the authority directed all the three parties to pay the difference of amount and half of the amount claimed as compensation and Rs. 2,250 were paid to him vide original of Ex. W2. Ex. W3 shows his name in the letter dated Sep.

1992 as Tea Maker and length of service as one and half years and monthly pay Rs. 250. So there is clear evidence that the petitioner has worked in the Canteen and the dismissal of the petitioner in the month of April 1994 without giving any notice or compensation in lieu of it is illegal under section 25(F) of Industrial Disputes Act and the railways are also responsible. It was in fact R2 i.e. The Divisional Railway Manager who paid an amount of Rs. 2,250 vide Ex. W2. Hence he is entitled for reinstatement and the R3 can be directed to reinstate the workman with continuity of service and other attendant benefits.

15. It is argued by the R1 and R2 that there is no relation of employer and employee between them and R1 and R2. Similarly R3 also filed a counter that there is no relationship between the petitioner and respondent. Hence, the petition is not maintainable and may be dismissed.

16. It may be noted that the petitioner has worked, it cannot be denied as per representation i.e. Ex. W3. He has been awarded compensation of Rs. 1,500 and further damages of Rs. 750 total Rs. 2,250. There is ample proof that the petitioner has worked from 1-1-1991 and the management has terminated his services from April 1994 not complying with section 25(F) of the I. D. Act and it is indeed shocking that the management R3 thought it fit to reduce the pay from Rs. 250 to Rs. 100. No notice has been issued. No retrenchment compensation has been paid. Hence, the petitioner is entitled to be reinstated by R3. However, as the petitioner might have worked at some place or other, I direct that from April 1994 till he is reinstated. He shall be paid a lump sum of Rs. 5,000 as compensation for wrongful dismissal and he shall be reinstated within 30 days from the date of publication of this award by R3 on the pay whatever is now payable. Obviously it cannot be Rs. 250 per month today. Hence, either he shall be reinstated within 30 days from the publication of this award or shall be paid whatever is the pay is payable now.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 4th day of April, 2005.

E. ISMAIL, Presiding Officer

#### Appendix of Evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1	MW1
WW2	MW2

#### Documents marked for the Petitioner

Ex. W1 : The application Case No. P. W. 8/1994 Under P. W. Act, 1936.

Ex. W2 : Copy of withdrawal in the name of  
B. Nagabhusana Rao.

Ex. W3 : Letter dt. 21-9-1992.

Ex. W4 : Letter dt. 12-2-1993.

#### Documents marked for the Respondent

NIL

नई दिल्ली, 27 जुलाई, 2005

**का. आ. 2979**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, नई दिल्ली के पंचाट (संदर्भ संख्या 178/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-2005 को प्राप्त हुआ था।

[ सं. एल-12012/77/1997-आई. आर. (बी-II) ]

सी. गंगाधरण, अवर सचिव

New Delhi, the 27th July, 2005

**S.O. 2979.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 178/97) of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi No. 1 as shown in the Annexure, in the Industrial Dispute between the management of Union Bank of India and their workman, which was received by the Central Government on 27-7-2005.

[No. L-12012/77/1997-IR(B-II)]  
C. GANGADHARAN, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

Shri S. S. Bal, Presiding Officer

I. D. No. 178/97

In the matter of dispute between :

Shri Santosh Kumar Tiwari,  
Through PNB Canteen Workers Union,  
A-20, Ganesh Nagar, Pandav Nagar Complex  
Delhi-110092. ... Workman

*Versus*

The General Manager,  
Union Bank of India,  
Bhagat Singh Place,  
Bhagat Singh Market,  
New Delhi-110001. ... Management

#### APPEARANCES:

Workman with Shri B. K. Paul,

Shri Pawan Behl A/R for the management.

#### AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/77/97-IR(B-II) dated 24-10-97 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Union Bank of India in terminating the services of Shri Santosh Kumar Tiwari, Canteen Worker w.e.f. 26-10-95 is just and fair? If not, to what relief the workman concerned is entitled?"

2. Briefly stated the facts of the case are that the workman claimed that he had been in the employment of the management for the last 15 years continuously as water boy, peon and canteen worker and monthly wages of the applicant were Rs. 650. The applicant worked to the satisfaction of the management but his services were terminated w.e.f. 26-10-95 and he was refused duty without any order in writing. It is further stated that 132 employees are working in Bhagat Singh Place, Bhagat Singh Market Branch of the Bank where the applicant was working. The applicant was providing/serving them tea, coffee etc. and other items refreshment on controlled rate on no profit no loss basis as fixed by employees committee. The workman had requested management for increasing wages. The management got engaged and starting harassing the applicant in different manners. Ultimately the management made a plan to terminate the services of the applicant and suddenly on 26-10-95 forbade the applicant to enter in the bank premises. The applicant was not paid earned wages and other dues nor the balance of refreshment money was paid. This money was payable from the staff (Bank). The applicant had purchased some utensils for use of work done by him but the utensils were also retained and were not returned to the applicant in spite of several requests. The applicant went to the Bank for resuming duty again and again but the management did not consider the request. After termination of the services of applicant management appointed new person for doing same work and started paying subsidy like other bank. The action of the management of terminating the services of applicant is illegal, mala fide and against the principles of natural justice the applicant was neither paid nor offered amount payable as retrenchment compensation and notice pay. Applicant is entitled to reinstatement with full back wages and continuity of services. Demand notice dated 9-12-96 was sent by registered A. D. Post but the management did not concede the demand despite receipt of notice.

3. Matter was taken up by conciliation officer but no compromise could be arrived at. Hence claimant requested

to pass an award directing the management to reinstate the applicant with full back wages and continuity of service resulting in above reference.

4. Claim has been contested by the management by filing written statement wherein the making of reference is admitted. However, it is denied that any relationship of employer and employee between the management and the workman exists or existed and applicant has not been appointed as Canteen Worker or peon or water boy or in any other capacity. The reference is claimed to be bad and is beyond the powers of Central Govt. and liable to be rejected as false and frivolous. The claim of the workman is denied as false and frivolous. He was never employed by the Bank in the Services of the bank. He is not a workman as defined in Section 2(j) of the I. D. Act. Thus there is no question of payment of any salary to the applicant and terminating his services w.e.f. 26-10-95. It is further submitted that his claim in para No. 3 and 4 are misleading and are self contradictory. In fact Shri S. K. Tiwari claimant workman was provided a small conspicuous place in the old premises of Zonal Office. The applicant was having his stove, utensils and working. The applicant used to prepare tea, coffee and to serve the same on demand from each employee along with biscuits and breads etc. as per their order and use to charge for the price of the same from the employees. Since there is no relationship of workmen and employee, there is no question for demand of salary and also for claiming enhancement of the same. The applicant never demanded any wages and nor the enhancement of the same. The management never harassed him in any manner. It is denied that the management made any plan to terminate service of the applicant. Applicant stopped his work of preparing and supplying tea etc. on his own and he took away all of his utensils for preparing tea etc. on 26-10-95 and thereafter he never came to the bank. Thus there is no question of refusing him to join duty. In fact he has never worked as employee of the management. It is further submitted that none of the utensils were retained by the management as falsely alleged by applicant. Since there is no post of Canteen worker thus there is no question of employing any one. One Ramesh is not at all an employee of the Bank nor there any relationship of master and servant between him and the management. He is not being paid any salary etc. pleas about coming and resuming duty again and again are baseless and wrong. It is denied that applicant came even after 26-10-95. It is stated that no demand notice dt. 9-2-96 was ever serviced, served and even if served there is no question of accepting the same, in view of the facts explained.

5. W. S. was followed by replication wherein contents of claim statement were reiterated to be correct and controverted pleas were denied.

6. Thereafter management adduced its evidence by filing affidavit of Shri R. Venkatramaiah, Manager

(Personnel) in Regional Office (North) Union Bank of India, New Delhi wherein he deposed that S. K. Tewari (workman) was never engaged as Water Boy, Peon and Canteen Worker by the management and was never paid a salary of Rs. 650 p.m. He was never employed in the service of the bank and there existed no relationship of employer and employees between the management and Shri Santosh Kumar Tiwari. However, workman was given some place where he was running tea-stall in the premises of the bank on payment directly by the staff. He thus supported case of management. The workman also filed his affidavit in his evidence wherein he supported his case as set out in the claim statement and deposed that he has been in the employment of the management of the respondent Union Bank of India for the last 15 years as Water Boy and Canteen Worker at branches including Cannaught Place, D-Block, Branch, Bhagat Singh Palace, Gole Market. His last monthly wages were Rs. 650 per month. The management has terminated his services by refusing me to take on duty on 26-10-95. There were 132 employees in Bhagat Singh Market Branch of the Bank where the applicant was working. The applicant was providing them tea, coffee, biscuits, breads etc. on no profit no loss basis. The prices were fixed on production cost, his salary was paid by the bank by way of service charges. He had requested the management to increase his wages. This request enraged the management and they started harassing him in different manners. Ultimately the management made a plan to terminate his services and on 26-10-95 they refused me to enter bank premise. No order was given and nothing was paid as desired to him. He was not paid even earned wages or other dues. Applicant was not paid even the cost of refreshment supplied to the staff. He purchased some utensils for use in the Canteen and the same were retained by the management and were not returned to him. It is further deposed that after terminating his services management appointed new person in his office for performing his duties which he was doing in the bank. Besides supplying refreshments, tea, coffee, and cold drinks, he used to provide drinking water to the staff members and also doing the work of a peon in the bank. Copy of demand notice dated 9-2-96 is Ex. WW1/1 and its postal receipt is Ex. WW1/2. Rate list of various items supplied from Canteen after 21-11-85 and approved by the staff committee is Ex. WW1/3. It bears signatures of Shri Atul Gupta, Chairman staff committee, of the branch. He was given appointment as Peon in May, 1986 vide Ex. WW1/5 but he continued to work in the Canteen as usual. He was paid wages on daily wages basis as water boy. Photo copy of payments of wages on daily wages basis in October, 1995 are Ex. WW1/6 to Ex. WW1/11. He is unemployed since termination by the management. He claims reinstatement in service with full back wages. He has stated that he has worked in the bank and his work in the bank was to supply eatables to employees of the bank on receipt of payment. He has also denied suggestion

that he has left the bank taking his all utensils etc. He has further stated that there is no other documents except Ex. P-6 to P-11 to show that he has received monthly salary at the rate of Rs. 650 P.M. He has never appeared nor applied for any written test for his employment. The question which needs determination in this case is whether the claimant was the employee of the bank and worked as Water Boy or Canteen Boy and supplied eatables as claimed by him. Bank has denied that he was employed or engaged as Water Boy and supplied tea, eatables to the employees of the bank. He has placed on record Ex. WW1/5 and is to prove that he was employed as peon etc. and Ex. W6 to 11 photo copies of payment vouchers to prove that he was made payments. Perusal of memorandum Ex. WW1/5 shows that he was appointed as temporary peon on leave vacancy from 12-5-86 to 15-6-86. It is specifically mentioned that he should note that his services were terminable at any time without assigning any reason. During the period of his appointment with Delhi Local Chapter, Indian Bank's Association he will be paid proportionate emoluments as per services rules of the Association and basic pay has been mentioned as Rs. 430, C. C. S. Rs. 40, D. A. Rs. 331, H. R. A. Rs. 55. This letter dt. 29-4-86 Ex. WW1/5 has been issued by Indian Bank Association on its letter pad signed by Hon'ble. Secretary. This appointment letter appears to have been issued by the association of the employees of the bank and not by the duly authorised person of the management (Bank) i.e. it has not been issued by Appointing Authority such as by the Manager or any other authorised persons on behalf of the respondent. Ex. WW1/2 & 4 appears to be list of items prepared and rate list and Ex. WW1/6 to Ex. WW1/11 is petty cash memo/payment voucher's with respect to water boy. It appears that the workman has been paid wages for supplying water. There is no material to show that he was ever appointed as water boy by the respondent bank on the monthly salary of Rs. 650. He has admitted that he has never appeared for interview nor applied for written test for his employment. In my view from the material placed on record it is not proved that the workman was appointed as Peon or Water Boy on monthly salary of Rs. 650 by respondent as claimed. However, Ex. WW1/6 to WW1/11 go to show that he has supplied water to the bank and he has been made payment. However, vide Ex. WW1/5, he was appointed w.e.f. 12-5-86 to 15-6-86 as temporary peon by the association of the Indian Bank Association, Union Bank of India. It does not prove that he was appointed as Peon by the authorised officer or the respondent bank. Had it been so appointment letter must have been issued by the manager or any other authorised officer of the bank on behalf of the bank. Thus in view of the above discussion I am of the opinion that the applicant has failed prove that he was appointed as Peon or water boy at monthly salary of Rs. 650 per month and so question of terminating his services w.e.f. 26-10-95 by the Bank does not arise. Thus he is not entitled

to any of the reliefs claimed. The award is accordingly made. File be consigned to record room.

S. S. BAL, Presiding Officer

नई दिल्ली, 27 जुलाई, 2005

**का. आ. 2980**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ, के पंचाट (संदर्भ संख्या 17/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-7-2005 को प्राप्त हुआ था।

[सं. एल-12011/17/2002-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 27th July, 2005

**S.O. 2980.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 17/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the Industrial Dispute between the Management of Central Bank of India, and their workmen, which was received by the Central Government on 26-7-2005.

[No. L-12011/17/2002-IR(B-II)]

C. GANGADHARAN, Under Secy.

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

#### PRESENT:

Shrikant Shukla, Presiding Officer

I. D. No. 17/2002

Ref. No. L-12011/17/02/IR (B-II), dt. 15-3-2002

#### BETWEEN:

The Regional Secretary,  
Central Bank of India Employees Union, Agra.  
Regional Office, Budh Bazaria Pattay,  
Bareilly (U. P.)

#### AND

Regional Manager,  
Central Bank of India,  
Regional Office,  
B-88, Civil Lines,  
Bareilly.

**AWARD**

The Government of India, Ministry of Labour vide its order No. L-12011/17/2002/IR(B-II), dated 15-3-2002 referred the following schedule for adjudication :

“Whether the claim of the Central Bank of India Employees Union that the disputant Shri Kamal Kumar has been engaged as temporary Sub-staff on daily wage basis since the year 1997 and that he has completed 240 days of continuous service in any preceding 12 months period is correct? If so, whether the deputant is entitled for regularisation of his service as a Sub-staff? If not justified, what relief is the disputant entitled to?”

Further vide its Order dt. 27-1-2003 the Government amended the aforesaid schedule by substituting following for adjudication.

1. Whether the claim of the Central Bank of India Employees Union that the disputant Sri Kamal Kumar has been engaged as a temporary Sub-staff on daily wage basis since the year 1997 and that he has completed 240 days of continuous service in any preceding 12 months period is correct?
2. Whether the action of the management of Central Bank of India in terminating the services of Shri Kamal Kumar on 6-1-2002 is legal and just?
3. Whether the disputant is entitled for absorption/regularisation of his service as a Sub-staff? If not justified, what relief is the disputant entitled to?

The Regional Secretary, Central Bank Employees Union, Bareilly, Sri Raju Saxena has filed statement of claim on 29-4-03 alleging therein that one Sri Kamal Kumar was appointed by Branch Manager, Kutub Khana Branch of Central Bank of India as temporary peon. The said Kamal Kumar was required to work as peon for the full hours of work of Kutub Khana Branch, Bareilly of the bank. In the morning he was required to dust and clean the furniture of the branch, take out books and place the same on respective tables/counters, posting dak, taking clearing cheques to clearing house at time, providing water to the staff and other duties which devolve on a peon in the bank. Besides, he performing duties at night as well. The bank instead paying prescribed salary of a peon by the bank, bank paid only Rs. 30 per day which was raised to Rs. 50 per day and ultimately to Rs. 70 per day. During the course of employment the worker Kamal Kumar verbally requested to the Manager many time for regularisation of his service but management did not consider his request. Soon after receipt of the notice of Asstt. Labour Commissioner (C) Dehradun the bank started making payments from June 01 through vouchers made in the

name of Kamal Kumar, Cash Peon who used to make payment to the workman. Since no settlement could be arrived at in course of conciliation, proceedings ended in failure, a report in which connection was sent by Asstt. Labour Commissioner (C), Dehradun to Government of India vide letter No. D-7/23/2001 ALC dt. 31-12-2001. And no sooner the bank received copy of letter, the bank terminated the services of the workman at the close of office on 5-2-2002. Since the workman had worked continuously year after year and as the bank did not advice the reason for termination, did not pay notice pay and retrenchment compensation the bank committed breach of Section 25F of the I. D. Act, 1947 besides making breach of Section 33(i)(b) of the said Act. The action of the bank in terminating the services of Kamal Kumar and not absorbing him in the service of the bank is illegal and unjustified. The union has therefore prayed that the tribunal may hold that the workman Kamal Kumar was engaged by the bank as Peon on daily wage basis since the year 1997 and that he completed more than 240 days of continuous service in all the preceding 12 months preceding the date of termination and tribunal may further hold that the action of the bank in terminating the service of Kamal Kumar on 6-1-02 is illegal and unjustified. The union has prayed that tribunal may order reinstatement of Kamal Kumar with back wages and absorption in the permanent service of bank.

The management by filing written statement has denied allegation of the union. It has been alleged that Kamal Kumar was never appointed by the Branch Manager of the opposite party, Kutub Khana Branch, Bareilly as Temporary Peon or any post. As a matter of fact the Branch Manager has no power to appoint any body at any post. Since Kamal Kumar never employee of the bank, therefore he was not a workman as defined under section 2(s) of the I. D. Act. Kamal Kumar never worked at any post. He also never done work as stated in statement of claim. However, it has been submitted by the bank that some time Kamal Kumar used to supply water to the customer for which he was paid very nominal amount looking into time consumed. Regarding the allegation of the salary of Rs. 30, 50 and 70 per day, the management of bank, has alleged that Kamal Kumar was never paid the amount as stated. The story set up by the workman/trade union is only concocted as such there is no question of regularisation. As Kamal Kumar was not appointed as Temporary Peon there was no conciliation before Asstt. Labour Commissioner (C), Dehradun. As Kamal Kumar never worked in the bank at any post, he was not entitled to any benefit under section 25F of the I. D. Act, 1947. It is alleged that Kamal Kumar wants the bank employment by back door.

Worker file 1 rejoinder as well.



Worker filed following documents in photo copy :

1. Letter addressed to Regional Manager, Personnel Bareilly, dt. 24-10-2001.
2. Letter dt. 26-6-01 of Branch Manager.
3. Letter dt. 13-1-1999.
4. Vouchers dt. 20-10-2000, 1-3-2000, 1-3-2000, 29-2-2000, 22-2-2000, 21-1-2000, 4-1-2000, 3-5-99, 3-5-99, 19-1-99, 19-1-99, 14-1-99, 23-11-98, 23-10-98, 13-10-98, 7-12-98.

Following dates were fixed for evidence of the worker : 9-9-2003, 13-11-2003, 13-2-2004, 30-4-04 and 12-7-2004.

Worker/trade union did not appear to produce any evidence and therefore on 12-7-04 court ordered the case to proceed ex parte against the union and following dates were fixed for opposite party evidence.

17-9-04, 12-10-04, 6-1-05, 21-2-05, 31-3-05, 8-4-05 and 18-7-05, but the trade union or its worker Kamal Kumar did not turn up. Ultimately the opposite party examined Sr. Manager, main branch Sri S. C. Sharma.

Sri S. C. Sharma, Sr. Manager has stated on oath that temporary peon is appointed with the permission of Zonal Manager he has also categorically stated on oath that Kamal Kumar did not work as peon.

Heard learned representative of the bank and perused evidence on record. Learned representative of the opposite party has argued that the Branch Manager of its own sweet will can not appoint any one as temporary peon. He has also argued that if Kamal Kumar was appointed as peon there must have been some appointment letter on that behalf but Kamal Kumar was not appointed as temporary peon. Therefore the trade union or worker has not produced any appointment letter to prove that Kamal Kumar was so appointed. The representative of the opposite party has also argued that the trade union has not been able to examine Kamal Kumar in support of his case.

Sri S. C. Sharma, Sr. Manager has proved that the worker Kamal Kumar has not worked as peon since the year 1997 nor he has completed 240 days of any of the year.

Sri S. C. Sharma, Sr. Manager of the bank has also stated that it is not correct to say that the worker was paid as Rs. 30 per day and later on he was paid Rs. 50 or 70 per day.

Sri S. C. Sharma, Sr. Manager has also filed some documents which are photo copies of the vouchers;

Vouchers dt. 13-10-2000, 13-10-98, 23-10-98, 23-11-98, 23-11-98, 23-11-98, 7-12-98, 14-7-99, 14-1-99.

19-1-99, 19-1-99, 3-5-99, 3-5-99, 4-1-2000, 21-1-2000, 21-1-2000, 22-1-2000, 22-1-2000, 24-1-2000, 24-1-2000, 24-1-2000, 29-1-2000, 19-2-2000, 22-2-2000, 22-2-2000, 23-2-2000, 28-2-2000, 28-2-2000, 29-2-2000, 1-3-2000, 1-3-2000, 20-10-2000, 20-10-2000.

The management witness has disproved that the worker worked 240 days in any calendar year as alleged by him. The witness has also stated that whenever he was engaged by the bank for some casual work he was paid for the job he was engaged.

The witness has stated in respect of paper No. A1-20/1 which is photo copy of letter of 24-10-01 addressed to Zonal Office, that this letter is a communication to the Zonal Manager in connection with his telephonic direction regarding engagement of Kamal Kumar on daily wage basis on Rs. 70 per day. The witness clarified the said letter and stated as the case was pending before Asstt. Labour Commissioner (C), Dehradun and the Asstt. Labour Commissioner (C), Dehradun desired that the worker should be engaged therefore he was engaged as per direction of ALC(C), Dehradun and he never completed even 90 days.

There is no evidence on behalf of trade union on record, therefore I come to the conclusion that the worker's claim that he was engaged as temporary Sub-staff on daily wage basis since 1997 and that he has completed 240 days of continuous service in any preceding 12 months is false.

Even the worker's services was terminated on 6-1-02 is not illegal as he did not complete 240 days prior to his termination within a period of 12 calendar months. The worker has not been able to show any rule of the bank management or any law which entitles him for regularisation and therefore the worker Kamal Kumar is not entitled to absorption. In the circumstances of the 3 issues are decided against the worker in favour of the management and I also come to the conclusion that Kamal Kumar or the trade union is not entitled to any relief whatsoever.

Lucknow

19-7-2005

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 27 जुलाई, 2005

का. आ. 2981—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, नासिक के पंचाट (संदर्भ संख्या 7/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-7-2005 को प्राप्त हुआ था।

[सं. एल-12012/43/1997-आई. आर. (बी-11)]

सी. गंगाधरण, अवर सचिव



New Delhi, the 27th July, 2005

**S.O. 2981.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 7/1998) of the Industrial Tribunal, Nasik as shown in the Annexure, in the Industrial Dispute between the management of Bank of Baroda and their workmen, received by the Central Government on 26-7-2005.

[No. L-12012/43/1997-IR(B-II)]

C. GANGADHARAN, Under Secy.

#### ANNEXURE

#### BEFORE SHRI P.S. SHINDE, P.O. INDUSTRIAL TRIBUNAL, MAHARASHTRA AT NASHIK

Reference (IT) No. 7/1998

The Regional Manager,  
Bank of Baroda,  
Nashik Region,  
Nashik.

... First Party

V/s.

Bank of Baroda Employees' Congress,  
The General Secretary, BOB Employees Congress,  
C/o. T. H. Naidu,  
A-10/40, Pragati Housing Society,  
Nagpur.

... Second Party

#### Coram :

Shri P. S. Shinde, Member.

#### Appearances :

- (1) Shri Deolalkar, Adv. For the first party.
- (2) Shri Deshpande, Adv. For the second party.

#### PART-I AWARD

(Date : 07-06-2005)

(1) This reference came to be referred by Ministry of Labour on the basis of the report of ACL(C), Pune and Regional Labour Commissioner (C), Mumbai in the matter of disputed between the Bank of Baroda and Shri A. A. Pote in respect of punishment of stoppage of two increments w.e.f. 1-7-1996 and withdraw of special allowance w.e.f. 12-4-1996 were imposed. The said action with the bank are legal and justice is to be seen in the present Reference. Shri A. A. Pote is concerned employee on whose behalf the BOB employees Union (hereinafter referred as second party) raised the disputed against the Bank of Baroda (hereinafter referred as first party).

(2) The second party filed the Statement of Claim below Exh. U-3 and contended therein that Shri A. A. Pote

was an employee working with the first party, who was issued with illegal charge sheet dated 2-12-1994 by the regional office at Nashik, which was replied but of no use. The concerned employee did not commit any misconduct as alleged the chargesheet or otherwise. However, the first party with a view to punish the concerned workman held the domestic enquiry, which is not fair, proper and legal and in accordance with the provisions of the law. The findings of the enquiry officer are not proper and not based on the evidence of the enquiry. The first party bank issued the order of punishment to the concerned workman by stopping two increments w.e.f. 1-7-1996 and by withdrawing special allowance w.e.f. 12-4-1996. The order of punishment is dated 30-3-1996. The concerned workman filed the appeal against the said order, but that of no use. The workman being member of the second party union, demand notice was sent to the Labour Department of Govt. of India. The concerned authority tried to settle the matter amicably, but there was no outcome. Thereafter the proceedings were admitted in a conciliation, but said conciliation proceeding also failed. Thereafter the present Reference came to be referred for adjudication vide order dated 23-4-1988 as per the provisions of the I. D. Act, 1947. The schedule of the order reads as follows : "Whether the action of the management of Bank of Baroda in stopping of two increments with effect from 1-7-1996 and withdrawal of special allowance with effect from 12-4-1996 of Shri A. A. Pote is legal and justified. If not, to what relief the workman is entitled ?"

(3) Initially the enquiry was conducted by one Shri P. K. Sonar and thereafter enquiry report submitted by one Shri S. N. Nandurkar. During the course of the enquiry in the proceeding it is nowhere stated or declared that the enquiry conducted by Shri Sonar is de novo or not and as such the action taken against the workman based on the enquiry report is required to be set aside. In enquiry, unless the documents are proved the same cannot be read as an evidence, because domestic enquiry is quasi judicial proceedings. The concerned witness ought to have been examined in the enquiry, but the first party failed to examine the same for the reasons known to the bank. Therefore, it is beyond doubt the workman is not given an opportunity cross-examined the witness in the enquiry and in spite of this the enquiry officer blindly relied on the documents, which were not at all proved. On this count alone the enquiry is required to be set aside, as well as the findings and the action taken by the management is illegal. The basic principles of natural justice were totally violated in the enquiry by not giving the proper opportunity of being heard to the concerned workman. The concerned workman was issued the chargesheet dt. 2-12-1994 in respect of leave fare concession (LFC). Though it is alleged in the charge sheet that workman has suppressed the relevant information to the bank, but the workman did not suppress any relevant information from the bank. The

workman has not fraudulently claimed the LFC/encashment furnishing wrong blocks at different dates. The enquiry officer Shri Sonar is the manager of the bank and the concerned workman was cashier, and the workman was always under the pressure of the manager. The enquiry officer acted prejudicially to the interest of the workman. He did not give proper opportunity of being heard to the workman in the enquiry. He recorded his findings as per his wish and whims. The enquiry officer was appointed only to find the workman guilty. The enquiry officer was working under the disciplinary authority and therefore, he had obeyed the orders of the disciplinary authority instead of acting as an impartial enquiry officer. The enquiry was completed within a period of 8 days i.e. from 7-3-95 to 16-3-95. The argument advanced on behalf of the concerned workman were not at all by the enquiry officer or by the disciplinary authority also. The said act is therefore with undue haste and taking misused of the powers vested to the disciplinary authority. There was no evidence to come to the conclusion that workman has committed misconduct as alleged. The enquiry officer was not considered the clean and unblemish service while giving the findings and disciplinary authority. The said decision was an ex parte. Other employees who have actually committed misconduct have not punished, and therefore, enquiry is liable to be set aside. The first party bank has discriminated with the concerned workman and favoured other workman. The concerned workman has not been provided with the documents on which enquiry officer relied upon. The findings of the enquiry officer are perverse and not based on the evidence in the enquiry. The punishment order dated 30-3-1996 is arbitrary and contrary to the settled principles of law and therefore same is liable to be set aside along with the chargesheet in enquiry. The second party, therefore, prayed for setting aside the punishment order dated 30-3-1996 issued to the concerned workman by the first party and releasing the increment and special allowance with held by the first party along with the interest thereof @ 18% p.a.

(4) The first party bank appeared and submitted statement below Exh. C-3. According to the first party the reference is not tenable in law, as well as was therefore liable to be answered in negative. The first party union has no locus standi in the matter and not competent to raise the present dispute on the ground as taken in the statement of claim, and therefore Reference is liable to be rejected. The concerned workman Pote was working as a head cashier. The signatory of the statement of claim were put to the strict proof thereof. The first party denied various contentions raised by the second party in the statement of claim, unless any specific statement is admitted to be true and prayed for putting them to the strict proof thereof. Initially Shri Sonar P. K. conducted the enquiry. However, due to some administrative exigencies Mr. Nargudkar was entrusted the job of

conducting the enquiry of Mr. Pote. The allegations made by second party about the same are devoid of any substance, as the matter was in full compliance of the principles of natural justice, who has acted on the basis of the enquiry proceedings and written arguments submitted by both the parties. The punishment given to the workman was legal and proper. The misconduct on the part of the workman were very serious in nature, and no grievance can be made of the punishments given to workman and the appellate authority for the reasons given in the communicated dated 11-6-1996 dismissed the appeal filed by workman. The bank has led sufficient evidence in respect of the misconduct committed by workman concerned. Full-fledge enquiry was conducted against him. The enquiry report is based on the evidence on record and there is no cause or case for setting aside the proceeding of the enquiry. The bank further contended that the bank had issued the charge- sheet dated 2-12-94 for the specific act for the misconduct mentioned therein. The bank thereafter conducted the enquiry as per the applicable provisions, as well by observing the full-fledge of principles of natural justice; wherein the workman was given full opportunity of defence. Thereafter the bank for the reasons mentioned in the order dated 30-3-1996 gave the punishment to the concerned workman, as the misconduct was serious, which is proved in the enquiry. The first party bank, on the basis of the aforesaid contentions prayed for deciding the issue of enquiry in favour of the bank, as well rejecting the reference.

(5) On the basis of the aforesaid contention, the preliminary issues for my determination are as follows and my findings thereof are as under :

#### ISSUES

#### FINDINGS

- |  |                        |
|--|------------------------|
| (1) Whether the second party proved that the enquiry conducted by the enquiry officer appointed by the first party is not legal and proper ? | No                     |
| (2) Whether the second party proves that the findings of the enquiry officer are perverse ?  | No                     |
| (3) What order ?   | As per the final order |

#### REASONS

(6) ISSUE NO. 1 : Heard the arguments advanced by the Ld. Advs. for the parties in consonance with the contention raised and the material placed on record by way of oral and documentary evidence. The workman concerned deposed in this proceeding, as well the enquiry officer Shri Nargudkar came to be examined. Shri Nargudkar in his deposition specified that as Shri P. K. Sonar retired during the proceeding of the enquiry, by regional manager

he has appointed. He also deposed that enquiry was already conducted, and he has given findings and therefore he has submitted his report on the basis of the enquiry proceedings. The enquiry officer denied that the regional manager has no authority to conduct the enquiry. According to him circular dated 13-1-1993 empower the regional manager to appoint the enquiry officer. The regional manager is the higher authority than the Sr. Manager and Chief Manager working as the branch officer. He deposed that the enquiry was conducted as per the procedure and law and the findings are based on the evidence on record. During the cross of the witness deposed to the effect that as per the schedule filed at page-88 disciplinary authority of the workman was Chief Manager/Senior Manager functioning as in charge of the bank. The witness denied that the regional manager would not be the disciplinary authority. The witness admitted that no oral evidence was adduced in the enquiry. On pages-26 and 27 in the enquiry proceeding it was suggested by the concerned workman with the management should examine its witness, but since it was not necessary for the management to examine its witness same was not examined. The witness denied that the LFC and leave encashment record, which was demanded by the workman was not produced in the enquiry. The concerned workman in his deposition made a mention that the charge sheet issued to him is signed by the regional manager and he has no authority to issue charge sheet as disciplinary authority, but the only Sr. Manager or Chief Manager is having authority. The concerned workman also deposed that he never committed the misconduct mentioned in the charge sheet and the charges leveled in the charge sheet are false. He further deposed that the documents were filed by the presenting Officer (P. O.) and no witnesses were examined by the bank. He also deposed that he demanded that witness of the bank be examined, but his request was not considered. Concerned workman also deposed that certain documents were demanded by him, during the course of the enquiry, but said documents were not filed by the bank, and since the documents were not filed and witnesses were not examined the principles of natural justice were not followed and injustice was caused to him. He also deposed that the enquiry report is signed by Shri S. M. Nargudkar, but he never conducted the enquiry. During the course of the cross-examination the concerned workman deposed that he has gone through the written statement filed by the bank and deposed that it is not correct to say that since Mr. Naidu was not the office bearer of the union in the year 1999 and therefore no document is filed by him. He deposed that he received the copies of the documents filed below Exh. C-5, which are the documents of the enquiry proceeding. Further he deposed the first enquiry proceedings was taken on 5-1-95 on which day he requested the permission to engage the defence representative and the same was granted. Thereafter on 7-3-1995 he was present in enquiry along

with his defence representative and matter was adjourned on 13-3-95 to 16-3-95 were continued. Witness admitted that first party bank has filed certain notes of documents and the copies were supplied to him. The workman has admitted that Shri P. K. Sonar by letter dated 15-6-95 informed the management that he could not initiate further proceeding of enquiry for the reasons mentioned in the letter and further admitted that Shri Sonar resigned the service of the bank and by letter dated 23-6-95 bank has appointed Shri Nargudkar as an enquiry officer. The workman concerned also deposed that documents were filed by the bank, which were produced by him regarding leave fare concession to the bank.

(7) It is the first and foremost contention of the Ld. Adv. for the second party that the regional manager is not the authority to sign the charge sheet of the workman concerned. On behalf of the workman documents are filed below Exh. U-14, which consists of Bank of Baroda book of instructions and application by second party to produce punchanama etc., show cause notice issued to one Shri C. D'souza for LFC. As against the said documents, the first party filed the documents at Exh. C-8, which contents the details of LFC availed by one Shri Somase at Exh. C-12, details of LFC availed by Shri Somase, as well Shri Somwanshi C. M. at Exh. C-10. Enquiry proceeding filed on record at Exh. C-5.

(8) There is no dispute about the fact that the charge sheet dated 2-12-1994 was issued to the second party and subsequently corrigendum to the same was issued on 25-1-95. There is no dispute about the order dated 2-12-94 appointing Sr. Manager Shri P. K. Sonar, as well appointing Shri A. S. Joshi, Manager as a presenting officer. The enquiry was conducted on 5-1-1995 wherein the workman concerned was present and participated in the enquiry. Thereafter on 7-1-1995 on which day the workman was present along with his defence representative. On 7-3-1995 the preliminary enquiry was conducted by the enquiry officer, wherein verified the workman concerned as regards of the charge sheet, understanding of the charge sheet and whether he is plead guilty or not. The enquiry officer also verified as regards defence representative is concerned. On that day documents are also produced by presenting officer. During the course of the enquiry the D. R. raised the question as to who has reported the allegations and E. O. Directed the P. O. To report the name of the reporting authority. The D. R. raised the objection about the circular submitted but the same was not displayed in the notice board of the concerned branch. The enquiry officer thereupon directed the presenting officer to bring the copy of the circular stating the appointment of the disciplinary authority and enquiry officer vide clause 19.14 of the Bipartite Settlement. The enquiry officer also directed the P. O. to present the original copies of the documents in the enquiry. Thereafter the enquiry was conducted on 13-3-1995. On that day the

defence representative took the inspection of the documents produced by the P. O. The D. R. thereupon submitted his comments on the documents. On that day certain additional documents were also produced, which were objected by the D. R. The E. O. considering the submissions of both the parties i.e. P. O. & D. R. allowed the documents. On that day the D. R., also sought certain documents from the P. O. The request of the D. R. however, was rejected by the E. O. by giving reasons. Thereafter enquiry was fixed on 14-3-1995. The P. O. in the enquiry made a submission on the basis of the documents produced by him in the enquiry. On that day the D. R. requested for change of P. O., as the P. O. was a person, according to the D. R., who was unable to perform his duties. The E. O., however, over-ruled the request. On that day it appears that P. O. made it clear that he do not feel it necessary to bring anybody as a witness and since the P. O. did not feel it necessary the D. R. did not need it necessary to bring their witness. Throughout the enquiry the P. O. made a submission on the basis of the documents produced by him, as well the submission and defence made by the parties, no witness were examined by both the parties. There is no dispute about the fact that the workman concerned was charge-sheeted by the first party was present throughout the enquiry proceeding along with his D. R. He has received the copies of the documents. He has also verified the original documents. The E. O. gave the opportunity to submit the submissions, as well to take up the objections. The P. O. and the D. R. submitted their oral arguments, and thereafter the P. O. sought time to submit the written arguments. The E. O. thereupon directed the P. O. to submit the written arguments in the month of May, 1995, with an assurance to the D. R. of forwarding the same to the chargesheeted workman and accordingly the enquiry proceeding were concluded on that day. The P. O. submitted his written arguments, and thereafter written argument of defence came to be submitted. Thereafter again reply to the written argument of the defence were submitted by the P. O. Thereafter on 23-6-1995 E. O. came to be change and one Shri S. M. Nargudkar came to be appointed as E. O. Prior to that on 15-5-1995 Shri Sonar, the then E. O. handed over the enquiry proceeding along with the written argument and documents to the regional manager. Shri Nargudkar, the second E. O. submitted his report on 5-12-1995 and thereupon the order was issued to the chargesheeted workman to give his submission within 15 days. In the findings, which consist of 5 pages, the enquiry officer held all the charges proved against the workman concerned. Workman submitted his reply to the findings vide his letter dated 5-1-1996.

(9) Considering of these aspects it appears that enquiry conducted against the concerned workman is in accordance with the principles of natural justice and there is no violation of principles of natural justice in any manner

whatsoever in nature. It is a settled law that it is for the management to decide as to whether the oral evidence is to be adduced or not and if adduced, how many witnesses and whom to be examined. In the present matter the first party appears to have been relied on the documents exclusively, and therefore not adduced any oral evidence. Same is the position so far as the chargesheeted workman is concerned, but it is admitted fact that the D. R. has been given full opportunity to put forth his defence from time to time through the enquiry. The defence, was also allowed to submit its written arguments and comments were obtained as regards the findings submitted by the E. O. The Ld. Advocate for the second party could not established as to how the regional manager is not competent to appoint the E. O. and nothing has been placed on record to establish so. In my opinion the enquiry conducted against the workman concerned deserves to be held as fair and proper and in accordance with the principles of natural justice. I, therefore, answer the Issue No. 1 in the negative.

(10) ISSUE NO. 2 : Admittedly the findings drawn by the enquiry officer are totally on the basis of the documents produced in the enquiry by the presenting officer. It is admitted fact that the defence has not produced the documents, except the circulars and the rules and regulations as regards the appointment of an enquiry officer and rules regarding LFC. The circulars and rules and regulations produced on record are not in dispute by, either of the parties. The E. O. having drawn the findings on the basis of the documents, I do not find, after going through the same, that there is any perversity in the findings. The E. O. has dealt with each charge with the material in support of the same. The findings of the concerned workman just indicates the statement that the findings drawn by the E. O. are perverse, but perversity has not been shown, and therefore, I do not find that there is any ground to held that the findings drawn by the E. O. are perverse. Accordingly, I answer the Issue No. 2 also in the negative and proceed to pass the following order :

#### ORDER

(1) The enquiry conducted against the workman concerned Shri A. A. Pote is fair, proper and in accordance with the principles of natural justice.

(2) The findings drawn by the enquiry officer is not perverse.

(3) The Reference to proceed further on other issues.

(4) The Award be drawn accordingly.

Date : 07-06-2005.

P. S. SHINDE, Presiding Officer

नई दिल्ली, 27 जुलाई, 2005

का. आ. 2982—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, गोहाटी के पंचाट [संदर्भ संख्या 17(C)/2002] को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-7-2005 को प्राप्त हुआ था।

[सं. एल-12011/108/2001-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 27th July, 2005

S.O. 2982.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award [Ref. 17(C)/2002] of the Industrial Tribunal, Guwahati as shown in the Annexure in the Industrial Dispute between the management of Union Bank of India and their workmen, which was received by the Central Government on which was 26-07-2005.

[No. L-12011/108/2001-IR(B-II)]

C. GANGADHARAN, Under Secy.

#### ANNEXURE

#### IN THE INDUSTRIAL TRIBUNAL, GUWAHATI, ASSAM

Case No. 17(C) of 2002

#### PRESENT:

Shri B. Bora, Presiding Officer, Industrial Tribunal,  
Guwahati.

In the matter of an application under Section 33-A

AND

In the matter of an Industrial Dispute between :

The General Secy., Union Bank Employees Union  
(NER), K. C. Road, Fancy Bazar, Guwahati-1.

Vs.

The Assistant General Manager, Union Bank of  
India, G. N.B. Road, Chandmari, Guwahati-3.

Date of Award : 7-6-2005

#### AWARD

This is a petition filed by Shri Jagannath Chakraborty, General Secretary, Union Bank Employees Union (NER) under Section 33-A of the I. D. Act, 1947. The allegation brought by him against the Management is that while Ref. No. 14(C)01 was pending before this Tribunal the management decided to merge the SSB-Maidamgaon Branch with its parent Branch Maidamgaon Branch. According to the petitioner the management of the Bank took the decision to merge both the Branches with a view

to abolish the post of Head Cashier Category 'E' which was to be created for the very large and large Branches as per the MOU between management and the union of the Bank Employees. But instead of posting the Head Cashier Category 'E' at SSB-Maidamgaon Branch the management transferred the Head Cashier Category 'C' of Maidamgaon Branch. While he was serving there in officiating capacity the management decided to merge the SSB-Maidamgaon Branch with its parent Branch. According to the petitioner this decision was taken by management in order to victimise the employees of the Bank by abolishing the post of Head Cashier Category 'E'. This being the position the management has clearly violated the provision of Section 33 of the I. D. Act. The management on the other hand vide its written statement stated inter alia that the matter complained is not connected with the dispute pending before this Tribunal under the Ref. No. 14(C)01 and therefore, the complaint is not tenable and the same is liable to be rejected outright. Further, the management stated that the complainant admits that the management at the apex level for better customer service, to take care of the interest of public and for optimum utilisation of manpower resources, as a matter of general policy decided to abolish the concept of SSB Branches and therefore, in the instant case the SSB-Maidamgaon Branch have to be merged with the parent branch on 31-12-00 and not on 23-9-02 as mentioned in the complaint. The management has clearly denied the allegation of the complaint that the decision of the management was taken with a view to victimise the employees of the Bank by abolishing the post of Head Cashier Category 'E'. The management prayed for dismissal of the complaint.

Both sides examined one witness each for the parties and submitted written arguments. I have perused the record carefully and gone through arguments submitted by the parties. Let me now decide whether the management during pendency of Ref. 14(C)01 changed/alterd to the prejudice of the workmen concerned in such dispute the conditions of service applicable to them immediately before the commencement of the proceeding.

Now, from the materials on the Ref. 14(C)01 and the materials of this case it is seen that the management admittedly decided to create some SSB Branches of the U. B. I. including one at the Maidamgaon Branch and it was agreed by the parties that on the opening of such SSB Branch one Head Cashier Category 'E' would be posted at each of the Branches and the procedure of filling of the post was circulated by the management through staff Circular No. 3987 dt. 16-6-93. The SSB Maidamgaon Branch was opened on 28-3-98 and the Head Cashier Category 'C' of Maidamgaon Branch was posted at the Branch who acted on officiating basis as Head Cashier Category 'E'. While the Branches were functioning separately the management in its Board's meeting decided to merge the SSB Branches all over the country. As per

the decision of the Board the SSB Branch was merged including the one at Maidamgaon Branch.

Now as we have already decided in Ref. 14(C)01 that the opening of the SSB Branches and the merger of the Branches again were taken by the Board of Directors at the apex level. Such decisions of the Board of Directors are no doubt were taken as a matter of policy which were taken in the interest of the better functioning of the Bank. Since the decision of the Board of Directors to merge the Branches was purely policy decision, this Tribunal has no jurisdiction to enquire into the propriety, legality of such policy decision unless it is found that the decision was taken by the Board with some ulterior object. So long the policy decision are bona fide and taken for the better management of the employer's business, such decision can not be called into question in a Tribunal or other Forum.

In this connection, the view of the Hon'ble Supreme Court in *Parry and Co. Ltd. Vs. P. C. Paul* (1970) II LLJ 438(SC) may be mentioned which was :

"It is well established that it is within the managerial discretion of an employer to organise and arrange his business in the manner he considers best. So long as that is done bona fide, it is not competent to the tribunal to question its propriety ..... It is for that employer to decide whether a particular policy in running his business will be profitable, economic or convenient and we know of no provision in the industrial law which confers any power on the tribunal to enquire into such decision so long as it is not actuated by any consideration of victimisation or any such unfair labour practices".

From the above decision it can be gathered that an employer has the right to organise his business or to re-organise it in any fashion he likes for the purpose of convenience or better administration for achieving economy, productivity or profitability subject to the condition that in doing so he does not contravene any regulatory or other law and acts bona fide. Acting bona fide on the part of the employer in this context means that the organisation or re-organisation should not be effected with the ulterior object of victimising his employees so as to get rid of their services which would not otherwise be permissible or possible. If an employee remaining within the four corners of law and acting bona fide, organise or re-organise his business, an Industrial Tribunal will have a jurisdiction to interfere with this policy. We can say, once the Tribunal comes to the conclusion that the policy of the employer to re-organise his business did not abridge any law and was not actuated by any motive of victimisation or amounts to unfair labour practice and that he did so bona fide, the Tribunal shall not have the jurisdiction question the reasonableness or propriety of

such decision of the employer because, it is not for an outside agency to tell the employer as to how he should conduct his business. Permitting the Tribunal to adjudicate upon such policy of the employer will be fraught with danger as it may infringe the fundamental right of the employer to carry on his business.

This being the position I am constrained hold that the management has the right to organise or re-organise its business according to its policy decision and therefore the employees shall have no say in this matter.

Being situated thus, I am of the view that the management did not violate the provision of Sec. 33-A of the I. D. Act, 1947 by merging SSB Maidamgaon Branch with its parent Branch.

### AWARD

Since the management has found to have not committed in the violation no relief can be gathered in favour of the petitioner as claim by him.

Given under my hand and seal on this the 7th June of 2005.

B. BORA, Presiding Officer

नई दिल्ली, 27 जुलाई, 2005

**का. आ. 2983**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ राजस्थान के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, उदयपुर के पंचाट (संदर्भ संख्या 10/02) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-7-2005 को प्राप्त हुआ था।

[सं. एल-12012/80/2002-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 27th July, 2005

**S.O. 2983.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 10/02) of the Industrial Tribunal/Labour Court, Udaipur (Raj.) now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of Rajasthan and their workman, which was received by the Central Government on 26-07-2005.

[No. L-12012/80/2002-IR(B-1)]

AJAY KUMAR, Desk Officer



## अनुबन्ध

न्यायालय : न्यायाधीश, औद्योगिक विवाद अधिकरण एवं  
भ्रम-न्यायालय, उदयपुर

मु. नं. 10/02 आई. टी. आर. (केन्द्र सरकार)

प्रमोद कुमार जागिड़-बनाम-मैने. डायरेक्टर, बैंक ऑफ  
राजस्थान

[अधिसूचना संख्या : एल-12012/80/2002-आई. आर.  
(बी-1) दि. 27-6-02]

## निर्णय

दि. 15-10-04 : प्रार्थी प्रतिनिधि उप. नहीं। प्रार्थी की ओर से एक प्रार्थना पत्र गत पेशी पर विपक्षी पेश कर निवेदन किया कि प्रार्थी इस विवाद को नहीं चलाना चाहता है। इस प्रार्थना पत्र पर प्रार्थी स्वयं पी. के. जागिड़ के हस्ताक्षर किये हुए हैं, जिन्हें श्री जी. पी. मालू, डिप्टी जी. एम. ने अटेस्ट कर रखे हैं। इस पर प्रार्थी को पुनः आज का एक नोटिस इस आशय का भेजा गया कि प्रार्थी द्वारा जो पत्र पूर्व में भिजवाया गया कि विवाद में नो डिस्प्यूट जारी किया जावे के बावजूद यदि आपको कोई एतराज न हो तो क्यों न इस विवाद में नो डिस्प्यूट एवार्ड जारी किया जावे इस पर भी प्रार्थी स्वयं उपस्थित नहीं आया। इस नोटिस पर प्रार्थी ने अपने हस्ताक्षर कर रखे हैं जिन्हें बापू बाजार राज. बैंक के चीफ मैनेजर ने अटेस्टेड भी किये हैं। प्रार्थी की गैर-हाजिरी बावजूद कोई कारण पेश नहीं हुआ है। काफी आवाजें दिलायी गयीं समय 3.00 पी. एम. हो रहा है। ऐसी स्थिति में अब यही माना जायेगा कि प्रार्थी का विपक्षी नियोजक से कोई विवाद नहीं है। अतः प्रार्थी के पक्ष में विपक्षी नियोजक के विरुद्ध कोई विवाद नहीं "नो डिस्प्यूट" एवार्ड जारी किया जाता है। सूचना भारत सरकार को भेजा जावे। पत्रावली फैसल शुमार होकर दाखिल दफ्तर हो।

ह./-

अपठित  
न्यायाधीश

नई दिल्ली, 27 जुलाई, 2005

का. आ. 2984—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/भ्रम न्यायालय, उदयपुर के पंचाट (संदर्भ संख्या 12/02) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-7-2005 को प्राप्त हुआ था।

[सं. एल-12012/136/2002-आई. आर. (बी-1)]  
अजय कुमार, डैस्क अधिकारी

New Delhi, the 27th July, 2005

S.O. 2984.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 12/02)

of the Industrial Tribunal/Labour Court, Udaipur (Raj.) now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 26-07-2005.

[No. L-12012/136/2002-IR(B-I)]  
AJAY KUMAR, Desk Officer

## अनुबन्ध

न्यायालय : न्यायाधीश, औद्योगिक विवाद अधिकरण एवं  
भ्रम-न्यायालय, उदयपुर

मु. नं. 12/02 आई. टी. आर. (केन्द्र सरकार)

[अधिसूचना संख्या : एल-12012/136/2002-आई. आर.  
(बी-1) दि. 13-9-02]

एस. के. पोखरना-बनाम-डिप्टी जनरल मैनेजर, एस. बी. आई.,  
जयपुर

## निर्णय :

दि. 26-10-04 : प्रार्थी उपस्थित नहीं। प्रार्थी प्रति. श्री सी. शर्मा ए. डी. ने हिदायत पत्र नहीं प्रकट होना किया। विपक्षी प्रतिनिधि श्री बी.एल. गुप्ता ए. डी. उप.। प्रार्थी के मर जाने की खबर अखबार में प्रकाशित होना प्रार्थी प्रतिनिधि श्री सी. पी. शर्मा ए. डी. व विपक्षी प्रतिनिधि श्री पी. एल. गुप्ता ने बताया। प्रार्थी की ओर से उसका कोई उत्तराधिकारी भी नहीं आया। सा. प्रा. उपस्थित नहीं और न ही कोई कारण पेश हुआ है, अतः सा. प्रा. बन्द की जाती है। विपक्षी की ओर से कोई साक्ष्य पेश नहीं करना चाहते हैं। बहस सुनी गयी पत्रावली का अवलोकन किया गया। प्रार्थी का क्लेम उसकी ओरल साक्ष्य से प्रमाणित नहीं होता है। विपक्षी के जवाब को नहीं मानने का कोई आधार नहीं है। ऐसी स्थिति में प्रार्थी इस विवाद में कोई राहत पाने का अधिकारी नहीं है। प्रार्थी के पक्ष में एवं विपक्षी के विरुद्ध कोई विवाद नहीं "नो डिस्प्यूट" एवार्ड जारी किया जाता है। सूचना भारत सरकार को भेजी जावे। पत्रावली फैसल शुमार होकर दाखिल दफ्तर हो।

ह./-

अपठित  
न्यायाधीश

नई दिल्ली, 27 जुलाई, 2005

का. आ. 2985—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डो-जापान एअर लाइंस (प्रा.) लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/भ्रम न्यायालय, नई दिल्ली-1 के पंचाट (संदर्भ संख्या 143/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-7-05 को प्राप्त हुआ था।

[सं. एल-11012/28/99-आई. आर. (सी-1)]  
एस. एस. गुप्ता, अवर सचिव

New Delhi, the 27th July, 2005

**S.O. 2985**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 143/99) of the Central Government Industrial Tribunal/Labour Court, New Delhi-I now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Indo-Japan Airlines (P) Ltd. and their workman, which was received by the Central Government on 25-07-05.

[No. L-11012/28/99-IR(C-I)]  
S. S. GUPTA, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. I, NEW DELHI

**Presiding Officer :**

Shri S. S. Bal

**I. D. No. 143/99**

**In the matter of dispute between :**

Shri Ishwar Dutt S/o Sh. Roop Chand,  
R/o House No. 235,  
Vill. & P. O. Naya Bans,  
Delhi-110082. ... Workman

*Versus*

Indo-Japan Airlines (P) Ltd.,  
36, Janpath Chanderlok Building,  
New Delhi  
(through its Managing Director) ... Management

#### APPEARANCES :

None for the Workman.

Mrs. Rajni Mahajan A/R for the Management.

#### AWARD

The Central Government in the Ministry of Labour vide its Order No. L-11012/28/99-IR (C-I) dated 10-5-99 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the termination of Sh. Ishwar Dutt. Peon-cum-office boy under letter dated 30th May, 1997 by the management of Indo-Japan Airlines (P) Ltd. is justified and legal. If not then what relief the workman is entitled to and from what date ?”

2. The workman filed claim statement claiming reinstatement in service with full back wages with interest @ 24% per annum and all other benefits.

3. The management filed written statement denying the claim of the workman and stated that the present I. D. deserves to be dismissed in limine being without jurisdiction and infructuous and not maintainable.

4. The workman filed rejoinder denying controverted facts of the written statement are denied, reiterating the facts in mention his claim statement.

5. Perusal of the record shows that the workman last appeared on 29-3-2003 and thereafter he did not appear on subsequent hearings on 21-7-03, 12-11-03, 16-2-04, 7-4-04, 14-7-04, 7-10-04, 16-2-05 and today 9-5-05. The case is fixed for cross-examination of the management witness. It appears that the workman is not interested in the prosecution of this case. Hence a ‘No Dispute’ Award is passed in this case.

Dated: 9-5-2005

S. S. BAL, Presiding Officer

नई दिल्ली, 27 जुलाई, 2005

**का. आ. 2986**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साउथ मालाबार ग्रामीण बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कोझीकोडे (केरल स्टेट) के पंचाट [संदर्भ संख्या आई. डी. (सी) 2002 का 3] को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-7-05 को प्राप्त हुआ था।

[सं. एल-12011/16/2002-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th July, 2005

**S.O. 2986**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award [I. D. (C) No. 3/2002] of the Central Government/Labour Court, Kozhikode, Kerala State now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of South Malabar Gramin Bank and their workmen, which was received by the Central Government on 26-07-05.

[No. L-12011/16/2002-IR(B-I)]

AJAY KUMAR, Desk Officer

#### ANNEXURE

#### IN THE LABOUR COURT, KOZHIKODE, KERALA STATE

Dated this the 30th day of June, 2005

#### PRESENT :

Shri K. Balasubramanian, B. Com., LL.B., Presiding  
Officer

**I. D. (C) No. 3/2002**

#### BETWEEN :

The Chairman,  
South Malabar Gramin Bank,  
Head Office,  
Malappuram-676505,  
Kerala

... Management



**AND**

The General Secretary,  
South Malabar Gramin Bank Staff Union,  
Central Office,  
Bank Employees Bhavan,  
YMCA Road,  
Calicut-673001.

... Union

**REPRESENTATIONS:**

Sri N. Ramakrishnan,  
Advocate, Calicut.

... For Management.

Sri K. Abdussalam,  
Advocate,  
Calicut.

... For Union.

**AWARD**

This reference was made by the Govt. of India, Ministry of Labour as per Order No. L-12011/16/2002-IR (B-I) dated 28-6-2002 to adjudicate the dispute between the management of South Malabar Gramin Bank and 74 workmen named in the annexure over the justifiability of the action of the management in not regularizing their services in the permanent vacancy of the bank and to grant appropriate consequential reliefs.

2. The case of the workers espoused by the Union shortly stated is as follows : The management-Bank is a banking financial company constituted under the Regional Rural Banks Act, 1976 having 201 branches spread over the State of Kerala wherein more than 1600 workers are working. The sponsor bank of the management bank is Canara Bank, a Nationalized Bank in India. 74 workers named in the annexure are working continuously in different branches in the regular and permanent posts since their respective dates of appointment ranging from 1982 to 1996. By designating the workers as casuals, temporary and trainees, the management is adopting unfair labour practice to deny them permanency. Though the workers are doing the same work of workers in permanent rolls, the management failed to keep parity in paying wages and other benefits. Though the workers are continuing as such their repeated representations to the management for regularisation have not been considered yet. In the conciliation discussion held management had agreed to absorb workers designated as casuals and temporaries in regular service, but they have failed to do so. The services of the workers named in the annexure are liable to be regularised from the dates of their appointments and they are entitled to get all the benefits.

3. Therefore Union prays for passing an award directing the management to regularise the services of the workmen named in the annexure from their respective dates of appointment in service.

4. According to the management the persons named in the annexure were engaged as temporary daily wagers

on ad hoc basis. They were engaged only on stop gap arrangement and such engagements cannot be considered as a right for regularisation. It has also been held so by the Hon'ble High Court of Kerala while disposing the writ petitions filed by these workers. There is no employer-employee relationship between the management and the daily wagers. The persons involved in the dispute are not employees of the bank and are not entitled for regularisation.

5. The evidence consists of the oral evidence of WW1, WW2 and MW1 and documentary evidence Exts. W1 to W6. On the basis of the rival pleadings and evidence the following points emerge for determination :

- (1) Whether the persons named in the annexure are the workmen of the management bank ?
- (2) Whether the action of the management bank in not regularizing their services is justifiable ? If not further reliefs liable to be granted ?

6. Points : The Co-ordinator consumer of the staff union when examined as WW1 has given evidence that all the workers named in the reference are employed in the regular posts in the management-bank. He has also deposed over the parity in work compared to the employees in permanent roles, the disparity and inferior treatment by the management towards them. He has further stated that the management bank, is unjustly retaining these workers as casuals and temporaries with an oblique motive to escape from their statutory obligations. WW2 is party No. 1 to the annexure. He has also given evidence about the extent work done by the workers in dispute. As against their evidence, a senior manager of the Management Bank who was examined as MW1, denying the employer-employee relationship has testified that the persons named in the annexure are daily rated wagers working on ad hoc basis and are not entitled for regularisation.

7. Ext. W3 is the copy of office instructions issued from the personnel department of the management bank specifying the mode of appointing daily rated wagers. Ext. W4 is the copy of another instruction specifying the outer limit of period to which daily wagers are liable to be retained and Ext. W5 is the copy of office order containing the mode of appointment of part-time messengers/sweepers. Ext. W1 would show that the workers involved in the dispute were brought within the purview of EPF Act. There is no dispute on facts in so far as duration of the workers named in the reference working on the posts. But merely because a person has worked for any length of period will not confer him with a right for regularisation. As held by the Hon'ble Apex Court in 1995 (1) SCC 638, a person who is appointed on temporary basis does not acquire any substantive right to the post, even though the post itself may be permanent. For regularization, the first pre condition is the existence of a sanctioned post or vacancy. There

should exist a post and either administrative instructions or statutory rules must be in operation to appoint a person to the post which is not in the case in hand. The law propounded on the position is also gatherable from A. I. R. 2003 SC 1530, A. I. R. 1997 SC 1628, A. I. R. 1994 SC 1638 and 1992 LAB I. C. 847. There are also no materials in the instant case to show that the workers named in the annexure were appointed in sanctioned posts after undergoing proper recruitment rules to crown all these, it was brought out that few of the applicants had unsuccessfully fought out the same issue before the Hon'ble High Court.

8. The learned counsel for the Union Sri Abdulsalam argued that it is unfair that these workers continuing in employment for years are thrown out mercilessly despite the availability of vacancies and at any rate on the basis of Ext. W2 the workers are liable to be regularized.

9. Excepting that these workers were engaged for quite sometime, they were not able to establish their right for permanency. It seems that the learned counsel has ignored the difference between the existence of vacancy and sanctioned post. Anyhow, I am sure the management will sympathetically consider the claims of eligible workmen in dispute to the next arising vacancies to the sanctioned posts. The management bank being not a party to Ext. W2 is not binding on them. So the arguments do not merit any acceptance.

10. In the result an award is passed holding that the workmen named in the annexure are not entitled for regularization in the service of management.

Dictated to Confidential Assistant, transcribed by her revised, corrected and passed by me on the 30th day of June, 2005.

K. BALASUBRAMANIAN, Presiding Officer

#### APPENDIX

Witness examined from the side of the worker :

WW1 .. Mohammed, F. P.

WW2 .. K. P. Balakrishnan.

Witnesses examined from the side of the Management :

MW1 .. Jayaprakasan.

Documents marked from the side of the worker :

Ext. W1 .. Order No. KR/4679/7A/SRO/KKD Ent 1(6) 03/5610 dt. 26-11-03 of the Provident Fund Commissioner, Kozhikode.

Ext. W2 .. Copy of the minutes of the Joint Conference between the management of Canara Bank and the Unions, Canara Bank Memo No. 17/01 dt. 12-4-2001.

Ext. W3 .. Copy of the Circular No. 54/92-93, dt. 25-8-1992 circulated by the Management-Bank.

Ext. W4 .. Copy of letter No. 8 SMGB/VLR. 5192/91-92 PAD dtd. 30-1-1992 issued to the Manager of Ulliyeri Branch from the Head Office,

Ext. W5 .. Copy of Circular of the management bearing No. 29/84 dtd. 10-5-1984.

Ext. W6 .. Petition filed by the Union before the Asst. Provident Fund Commissioner, dtd. 18-3-2003.

Documents marked from the side of the Management :

NIL.

नई दिल्ली, 27 जुलाई, 2005

का. आ. 2987.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रिजर्व बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, श्रम न्यायालय, एर्नाकुलम के पंचाट (संदर्भ संख्या आई. डी. 11 ऑफ 2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-7-05 को प्राप्त हुआ था।

[सं. एल-12012/62/2002-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th July, 2005

S.O. 2987.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I. D. No. 11 of 2002) of the Central Government/Labour Court, Ernakulam now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Reserve Bank of India and their workmen, which was received by the Central Government on 26-07-05.

[No. L-12012/62/2002-IR(B-1)]

AJAY KUMAR, Desk Officer

**ANNEXURE****IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM (IN THE LABOUR COURT, ERNAKULAM)**

Wednesday the 27th day of April, 2005

**PRESENT:**

Shri K. K. Utharan, B. Sc., LL.B., Presiding Officer  
Industrial Dispute No. 11 of 2002 (Central)

**BETWEEN:**

The General Manager, Reserve Bank of India,  
Exchange Control Department, P. B. No. 3065,  
Kochi-682018, Kerala.

**AND**

The workman of the above concern represented by  
the Secretary, Reserve Bank Workers Union,  
C/o Reserve Bank of India, Ernakulam North,  
Cochin-18, Kerala.

**REPRESENTATIONS:**

Sri Vinod K. Jayakar,  
Deputy Legal Adviser,  
Reserve Bank of India,  
Kaloar,  
Kochi-18. ... For Management

Sri Dinesh Mathew J. Murukan,  
Advocate,  
Chittoor Road,  
Valanjambalam,  
Kochi-682016. ... For Union

**AWARD**

This reference was made by the Central Government of India as per letter No. L-12012/62/2002 (IR) (B. I.) dated 29-7-2002. The dispute is between the General Manager, Reserve Bank of India and their workman. The dispute referred is :

"Whether the action of the management of Reserve Bank of India in denial of promotion to Sri T. Sethumadhavan is justified? If not, what relief he is entitled?"

2. The union filed claim statement raising the following averments : The above dispute is raised on the basis of the complaint filed by the Reserve Bank Workers Union against the denial of placement to Sri T. Sethumadhavan, the member of the Union from the post of Durwan to the post of Security Guard.

The workman Sethumadhavan is an Ex-serviceman and is working as Durwan. As per the settlement dated 12-10-2000, clause 2 (vi) (e) the existing Durwans who are

recruited from the Ex-serviceman category will be placed in Group II scale as Security Guards as from the date of settlement if they are not already promoted as security guards. Clause 2 (vi) (e) is quoted as below :

"Clause 2 (vi) (e) The existing Durwans who are recruited from the Ex-servicemen category will be placed in the Group II scale as security guards, as from the date of this settlement if they are not already promoted as security guards. They will continue to perform the duties as Durwans until such time they are absorbed on regular basis as security guards."

As per the above clause, the workman who is an Ex-serviceman and working as Durwan is entitled to be placed to the post of security guard. T. Sethumadhavan requested the Management to promote him to the post of Security Guard. Instead of conferring Sethumadhavan to the post of Security Guard, the Management denied the placement to Sethumadhavan to the post of Security Guard on the ground that as per the terms of the settlement dated 12-10-2000, a Durwan who had declined for promotion earlier is not eligible to be placed in Group II scale. As per the settlement, the existing Durwans who are recruited from the Ex-servicemen category will be placed in Group II scale as Security Guards as from the date of the settlement if they are not already promoted as security guards and they will continue to perform the duties of Durwans until such time they are absorbed on regular basis as security guards. As per Clause 2(vi)(e) of the settlement dated 12-10-2000, the Durwans recruited from Ex-servicemen will be deemed to be security guards from the date of settlement. There is no clause in the settlement dated 12-10-2000 which enable the Management to deny placement as Security Guard on the ground that earlier the promotion was declined. As per Clause 2(vi)(e), the bank is bound to place Durwans selected from Ex-servicemen as Security Guards. The reason given by the Management that T. Sethumadhavan has not opted to the post of Security Guard will not be entitled for placement as Security Guard as per Clause 2(ii) of the settlement is wrong interpretation of the settlement. Clause 2(ii) of the settlement defines the category of Durwans to be considered from the promotion to Group III. While Clause 2(vi)(e) is specifically incorporated to cover Ex-servicemen who are selected to the post of Durwans and consequential placement of those Durwans in Group II scale as Security Guards. Hence, the stand taken by the Management to deny placement to T. Sethumadhavan to the post of Security Guard is clearly illegal and against the terms of the settlement. The management may be directed to place the workman Sri Sethumadhavan to the post of Security Guard.

3. The management filed written statement raising the following contentions : The Reserve Bank of India is a body established by an Act of Parliament. The service

conditions of the employees of Reserve Bank of India are governed by the RBI Staff Regulations 1948 under Sub-section (2) of section 7 of the RBI Act 1934. In addition, service conditions of the employees are also governed by the awards of the National Industrial Tribunal, Industrial Tribunal, Bilateral Settlements with recognised representative trade unions of employees of the Bank and administrative instructions issued by the Bank from time to time.

In terms of Regulation 29 of the RBI Staff Regulations 1948, all appointments shall be made at the discretion of the Bank and notwithstanding an employee's seniority in a grade, no employee shall have a right to be appointed or promoted to any particular post or grade.

At the outset, it may be stated that the complaint made by the petitioner union is an individual dispute and not an industrial dispute and hence outside the scope of Sec. 12 of the Industrial Disputes Act, 1947.

Prior to the settlement dated 31st December 1979 with the All India Reserve Bank Workers' Federation (AIRBWF) the representative Trade Union of Class IV employees of the Bank, the security staff in Class IV in the Bank consisted of (i) Durwans on watch and ward duty who had 8 hours shift duty working by rotation and (ii) Departmental Durwans who had normal duty hours (7 hours on week days and 4 hours on Saturdays). The Durwans on watch and ward duty were deployed at security points i.e. gates of the Bank's premises both in office and staff colonies and other security areas whereas the Durwans were deployed within the office premises at the entrance to the different departments and the Note Examination Sections of cash department. Both the posts carried a common scale of pay in Group I.

In the settlement dated 31st December 1979, it was agreed between Bank and AIRBWF representing Class IV employees to upgrade the post of Durwans on watch and ward duty to the post of Security Guard in group II and these post were made promotional posts of Durwans in Group I. This position had continued during the subsequent wage revisions under the Settlements of 1984, 1989 and 1995.

For the purpose of promotion of Durwans to the posts of Security Guard whenever vacancies arose in the latter category, a panel was prepared on the basis of Willingness expressed by Durwans to accept promotions as Security Guard and on basis of seniority-cum-suitability. Over the years, however, it was observed in all offices, that the Durwans were unwilling to accept promotions as Security Guards obviously on account of longer duty hours and shift working attached to the latter posts. Therefore, a review was taken by the Bank. Since 1995 in most offices the Bank started recruiting ex-servicemen to the combined posts of Durwans/Security Guard with a condition that their initial appointment would be made to

the posts of Durwans in Group I or Security Guard in Group II, as per availability of the vacancy and even if they were initially appointed as Durwans in Group I, it was compulsory on them to work as Security Guard in Group II whenever required by the Bank and they were to be paid officiating pay in Group II whenever they worked as such. However, the system of calling for options from Durwans who were recruited exclusively as Durwans prior to 1994/95 and their large scale refusal to accept the promotion as Security Guard, continued until the Settlement dated 12th October 2000 on Promotional Avenues of Class IV between the Bank and AIRBWF:

"The Bank had a series of discussions with the recognised trade union of Class IV employees of the Bank i.e. All India Reserve Bank Worker's Federation and entered into a Memorandum of Settlement dated 12th October 2000 on improvement of promotional avenues within Class IV and inter changeability of duties etc. A copy of the settlement is enclosed as Annexure III.

In terms of Clause 2(ii) of the said settlement, it has been provided as under :

"The Durwans category will comprise of Durwans who were recruited as such and have not opted for promotion to the post of Security Guards and those Mazdoors who have permanently opted to work as Durwans."

In terms of Clause 2(vi)(e) of the Memorandum of Settlement dated 12th October 2000 all the then existing Durwans who were recruited from ex-servicemen category would be placed in the Group I scale as Security Guards. They would continue to perform the same duties as Durwans until such time they are absorbed on regular basis as Security Guards.

However as clearly indicated in Clause 2(ii) of the Settlement referred to above the Durwans who had not opted for promotions earlier would continue to be in the cadre of Durwan permanently and consequently the placement in higher Group II is not applicable to them.

It was on this background explained at paragraph 9 above the matter was further discussed with the AIRBWF and instructions were issued after consultations with their representatives vide paragraph 2.5(g) of our circular DAPN G. No. 31/341/15.20.00/2000-2001 dated 22nd January 2001, whereby the upgradation/higher placement in Group II in terms of Clause 2(vi)(e) was granted only to such of the ex-servicemen among the Durwans who were recruited/appointed to the combined posts of Durwans/Security Guard since it was compulsory for them to work as and to accept promotion as Security Guard.

It may be stated that the Settlement dated 12th October 2000 is entered into between the Bank and the AIRBWF representing the Class IV employees in the Bank on an all India Basis. The AIRBWF has overwhelmingly

large membership among the Class IV employees on an all India basis and the Bank have been entering into settlements on various service conditions of Class IV employees with them since last more than 35 years. Further, the settlement dated 12th October 2000 mentioned above is an agreement between the Bank and the AIRBWF in terms of Rule 58(4) of the I. D. Rules (Central) 1957 and is thus a statutory agreement duly filed with the Labour Ministry and the CLC(C) New Delhi. Therefore the provisions of the said settlement dated 12th October 2000 are binding on all the Class IV employees of the Bank. The Reserve Bank Workers' Union Kochi who had filed the original application in the present case is a unit affiliated to the AIRBWF and thereby a party to the said Settlement and it is binding on them and their members. They have no locus standi to question the provisions of the said Settlement nor can they interpret provisions of the said Settlement.

In the instant case when a vacancy arose on 1st August 1999 for the post of Security Guard in Group II scale in RBI, Kochi, the Willingness to be promoted as Security Guard was sought from Sri T. Sethumadhavan, Durwan who was in Group I (with seven hours duty on week days and four hours duty on Saturdays) vide letter EC, CHN Adm. 185/01.03.04/99-2000 dated 17th August 1999 (Annexure I) Sri Sethumadhavan chose to decline promotion vide his letter dated 18th August 1999, a copy of which is produced in Annexure II. Sri Sethumadhavan who was recruited as Durwan and refused promotion as Security Guard earlier, therefore remains as Durwan only and cannot be placed in Group II scale as Security Guard. This was communicated to the Petitioner Union in the post in reply to its representation. A copy of Bank's reply dated 14th July 2001 is enclosed as Annexure IV.

Durwans remaining in the category in terms of Clause 2(ii) of the said settlement are eligible for Senior Post Promotion to Group II as provided therein, the said Clause 2(ii) clearly defines Durwans as "Durwans who were recruited as such and who have declined promotion earlier." It is under this category that Sri T. Sethumadhavan falls and he is eligible for Senior Post Promotion under Durwans category as and when he becomes eligible for the same subject to satisfaction of other terms and conditions therefor.

Thus the Bank's action is entirely in keeping with the provision of the settlement dated 12th October 2000 and the instructions have been issued after informal consultation/discussions with the representatives of AIRBWF. The claim of Sri Sethumadhavan and the union that there is no provision in the Settlement is contrary to the facts.

It may be emphasised that the Reserve Bank of India being an All India Institution the provisions of the Settlement, explained above, are uniformly applicable at

all the office of Reserve Bank of India all over the country and it is not possible not equitable for the Bank to make any departure from the uniform rules/procedures in any individual case at any centre.

It needs to be mentioned that there is no provision in the Bank's Rules to decline/refuse promotions on a temporary or short term basis. Therefore, a letter refusing to opt for promotion remains applicable under the old system until the Bank decides to call for such option once again. Though Sri Sethumadhavan was offered opportunity to be promoted as Security Guard he had declined the offer without citing any reason. Since the post of Security Guard has ceased to be a promotional post for the Durwans after the Settlement dated 12th October 2000 in terms of Clause 2(vi)(a) of the said Settlement, the Durwans who had earlier refused to opt for promotion have no right to claim the benefit of upgradation because in terms of Clause 2(ii) of the Settlement dated 12th October 2000 they would remain as Durwans only.

In terms of Clause 2(ii) of the settlement dated 12th October 2000, the Durwans who had not opted for promotion to the posts of security guards are to continue as Durwans. Hence, the question of upgrading any such Durwan as Security Guard after 12th October 2000 does not arise. The clause 2(vi)(e) of the Settlement dated 12th October 2000 is applicable only to such of the Durwans, who has accepted promotion as Security Guards even on day-to-day basis. Since Sri T. Sethumadhavan, Durwan had declined to opt for promotion as Security Guard prior to 12th October 2000, he will continue in the cadre of Durwan in terms of Clause 2(ii) *ibid* and he is not eligible for upgradation/promotion in terms of Clause 2(vi)(e) *ibid*. There is, therefore, no scope whatsoever to consider the request for promotion to Sri Sethumadhavan to the post of Security Guard in Group II.

In view of the facts stated above, Sri T. Sethumadhavan, Durwan has no right to be placed in Group II as security guard. The Reserve Bank of India, therefore, respectfully submit that the claim is devoid of any merit and is not acceptable to the Bank.

4. The management also filed additional written statement raising the following contention :

- (1) The claim statement as filed is wholly misconceived, devoid of merits both in law and on facts of the case and is not maintainable.
- (2) This Hon'ble Court's attention is drawn to Regulation 29 of the RBI Staff Regulations, 1948. The said Regulation 29 provides as under.

"29. All appointments and promotions shall be made at the discretion of the Bank and notwithstanding his seniority in a grade no employee shall have a right to be appointed or promoted to any particular post or grade."

- (3) It is submitted that when a vacancy arose on 1st August 1999 for the post of Security Guard in Group II scale in Reserve Bank of India, Kochi Office, the willingness to be promoted as Security Guard was ought from Shri Sethumadhavan, Durwan who was in Group I (with seven hours duty on week days and four hours duty on Saturdays) vide letter Ec. CHN. Adm. 185/01.03.04/99-2000 dated 17th August 1999 (Annexure to the Bank's Statement dated 30-10-2002). In reply, Sri Sethumadhavan vide his letter dated 18th August 1999 addressed to the Bank expressed his unwillingness to be promoted as Security Guard and thereby declined the offer of promotion without citing any reason. (Annexure II to the Bank's Statement dated 30-10-2002).
- (4) A memorandum of Settlement dated 12th October 2000 (hereinafter referred to as the Settlement) was entered into between Management of Reserve Bank of India and All India Reserve Bank Workers' Federation (AIRBWF) on improvement of promotional avenues within Class IV and interchangeability of duties etc. (Annexure III to the Bank's Statement dated 30-10-2002).
- (5) In terms of Clause 2(ii) of the said settlement, it has been provided as under.

The Durwans category will comprise of Durwans who were recruited as such and have not opted for promotion to the posts of Security Guards and those Mazdoors who have permanently opted to work as Durwans.

In terms of Clause 2(vi)(e) of the said settlement, all the then existing Durwans who were recruited from ex-servicemen category would be placed in the Group II scale as Security Guards. They would continue to perform the same duties as Durwans until such time they are absorbed on regular basis as Security Guards.

Durwans remaining in the category in terms of Clause 2(ii) of the said Settlement are eligible for Senior Post Promotion to Group III as provided therein, the said Clause 2(ii) clearly defines Durwans as Durwans who were recruited as such and who have declined promotion earlier. It is under this category that Shri Sethumadhavan falls and he is eligible for Senior Post Promotion under Durwans category as and when he becomes eligible for the same subject to satisfaction of other terms and conditions therefor.

It needs to mention that there is no provision in the Bank's Rules to decline/refuse promotions on a temporary or short term basis. Therefore, a letter refusing to opt for promotion remains applicable under the old system until

the Bank decides to call for such option once again. Though Sri Sethumadhavan was offered opportunity to be promoted as Security Guard he had declined the offer without citing any reason. Since the post of Security Guard he had declined the offer without citing any reason. Since the post of Security Guard has ceased to be a promotional post for the Durwans after the said Settlement in terms of Clause 2(vi)(a) of the said Settlement, the Durwans who has earlier refused to opt for promotion have no right to claim the benefit of upgradation because in terms of Clause 2(ii) of the said Settlement they would remain as Durwans only.

The Bank's action is entirely in keeping with the provisions of the said Settlement and the instructions have been issued after informal consultations/discussions with the representatives of AIRBWF. There is, therefore, no scope whatsoever to consider the request for promotion to Shri Sethumadhavan to the post of Security Guard in Group II.

With reference to the averments made in para 1 of the claim statement, it is submitted that the complaint made by the petitioner union is an individual dispute and not an industrial dispute and hence outside the scope of Section 12 of the Industrial Disputes Act, 1947. It is further submitted that Shri Sethumadhavan, Durwan is not eligible and he has no right to be placed in Group II as Security Guard.

With reference to the averments made in para 2 of the claim Statement, the same is replied as per the following:

It is submitted that in terms of Clause 2(ii) of the Settlement dated 12th October 2000, it has been provided as under.

The Durwans category will comprise of Durwans who were recruited as such and have not opted for promotion to the post of Security Guards and those Mazdoors who have permanently opted to work as Durwans. In terms of Clause 2(vi)(e) of the said settlement all the then existing Durwans who were recruited from ex-servicemen category would be placed in the Group II scale as Security Guard.

However, as clearly indicated in Clause 2(ii) of the said Settlement referred to above, the Durwans who had not opted for promotions earlier would continue to be in the cadre of 'Durwan' permanently and consequently the placement in higher Group II is not applicable to them. Shri Sethumadhavan who was recruited as Durwans and refused promotions as Security Guard earlier, therefore, remains as Durwan, only and cannot be placed in Group II scale as Security Guard.

The contention of the petitioner union, that there is no clause in the Settlement dated 12-10-2000 which enable



the Management to deny placement as Security Guard on the ground that earlier the promotion was declined, is not correct and denied. It is submitted that Clause 2(ii) of the said Settlement clearly specifies that the Durwans category will comprise of Durwans who were recruited as such and have not opted for promotion to the posts of Security Guard. Hence, placement as Security Guard is not applicable to those Durwans who had not opted for promotion earlier.

The contention of the petitioner union, that the reason given by the Management that Shri Sethumadhavan who has not opted to the post of Security Guard will not be entitled for placement as Security Guard as per Clause 2(ii) of the Settlement is wrong interpretation of the settlement, is not correct and denied. It is submitted that the petitioner union is a unit affiliated to the AIRBWF and thereby a party to the said Settlement entered into between the Bank and AIRBWF and it is binding on them and their members. They have no locus standi to question the provisions of the said settlement nor can they interpret provisions of the settlement.

The contention of the petitioner union, that Clause 2(ii) of the settlement defines the category of Durwans to be considered for the promotion to Group III, is not correct and denied. It is submitted that in terms of the provisions of Clause 2(ii) of the said Settlement, for the purpose of Senior Post Promotion to Group III, Durwans will be treated as a separate category from Mazdoors. Clause 2(ii) clearly defines the general category of Durwans as Durwans who were recruited as such and who have declined promotion earlier. It is under this category that Shri Sethumadhavan falls and he is eligible for Senior Post Promotion under Durwans category as and when he becomes eligible for the same subject to satisfaction of other terms and conditions therefor.

With reference to the contention of the petitioner union, that Clause 2(vi)(e) is specifically incorporated to cover ex-servicemen who are selected to the post of Durwans and consequential placement of those Durwans in Group II scale as Security Guards, it is submitted that as clearly indicated in Clause 2(ii) of the said Settlement, the Durwans who has not opted for promotions earlier would continue to be in the cadre of Durwans permanently and consequently the placement in higher Group II is not applicable to them.

The contention of the petitioner union, that the stand taken by the Management to deny placement to Shri Sethumadhavan to the post of Security Guard is clearly illegal and against the terms of the settlement is false, baseless and denied. On the contrary, it is submitted that the Bank's action is entirely in keeping with the provisions of the Settlement dated 12th October 2000 and hence legal, valid and justified.

With reference to the averments made in para 3 of the claim statement, it is respectfully submitted that Shri Sethumadhavan, Durwans has no right to be placed in Group II as Security Guard, the claim is devoid of any merit and is not acceptable to the Bank.

5. The union filed replication as follows : The contention in paragraph (3) as per terms of Regulation 29 of the R. B. I. Staff Regulation, 1948 all appointments shall be at the discretion of the Bank and no employee shall have a right to be appointed or promoted to any particular post or grade is not sustainable in the light of the decision of the Supreme Court of India in Ajith Singh Vs. State of Punjab (reported in 1999 AIR SCW 3460).

The contention in paragraph (4) that the dispute raised by the union is an individual dispute is not sustainable. The dispute raised is of a general nature regarding the interpretation of settlement affecting a particular class of employees. Hence, the dispute raised by the union is not an individual dispute but a dispute of general nature.

Paragraph (5), (6) and (7) are not relevant facts as regards the claim put forth by the Union. The facts narrated in paragraphs (5) to (7) are factual history regarding the nature and conditions of employment of Durwan category.

In reply to paragraph (8), (9), (10) and (11) it is submitted that the settlement entered between the management and the union on 12-10-2000 was to upgrade existing Durwans who are recruited from Ex-servicemen category to Group-II scale as security guards as from the date of settlement if they are not already promoted as security guards and they will continue to perform the duties as Durwans until such time they are absorbed on regular basis as security guards. In paragraph (10) of the statement of the Management that Durwans category as defined in Clause 2(ii) of the settlement will only comprise of Durwans who had not opted for promotion. This statement made by the management is not correct. Durwans category comprises of Ex-servicemen and non-Ex-servicemen. The Durwans were given option to be promoted to the post of Security Guards. As per Clause 2(ii) of the settlement, Durwans will comprise only of Durwans who had not opted to the post of security guards. So, non Ex-servicemen who had opted for promotion as security guards. So, non Ex-servicemen who had opted for promotion as security guards will also be outside the purview of Durwans. But, all the Ex-servicemen in the Durwan category as per Clause 2(vi) (e) of the Memorandum of Settlement will be placed in Group-II Scale as security guards. If the interpretation given by the Bank to Clause 2(vi)(e) is accepted then there ought not have been a settlement that all Ex-servicemen in Durwan category will be deemed to be placed in Group II scale as security guards.

In reply to paragraph (13) it is humbly submitted that the temporary non-option to the post of security guard will not deny Mr. T. Sethumadhavan the benefit of the settlement dated 12-10-2000. Because, clause 2(vi)(e) clearly entitles Mr. T. Sethumadhavan to be placed in Group-II scale as security guard.

In reply to paragraph (14) it is submitted that since T. Sethumadhavan will not fall within the definition of Durwan as enunciated in Clause 2(ii) of the settlement. Because, Mr. T. Sethumadhavan is an Ex-servicemen and he is deemed to be placed as in Group-II Scale as Security Guard. The contention that the interpretation not to give benefit of Clause 2(vi)(e) of the settlement to Ex-servicemen who had not opted for promotion to the post of Security Guards is after informal consultations and discussions with the representative of AIR VWF is not correct and hence, denied.

In reply to paragraph (15) of the Management statement that the interpretation given by the Bank to Clause 2(ii) and 2(vi)(e) is erroneous and it had denied promotion to T. Sethumadhavan. The contention of the Bank that wrong interpretation of Clause 2(ii) and 2(vi)(e) of the settlement is given in an all India basis and it cannot be departed is also not sustainable.

The non-option by T. Sethumadhavan to the post of Security Guards is not having any relevance. As per Clause 2(vi)(e) of the settlement, all Ex-servicemen are deemed to be placed in Group II Scale as security guards and the definition in Clause 2(ii) to the post of Daftry is not having any relevance.

In reply to paragraph (17) it is submitted that Clause 2(ii) of the settlement defines the category of Durwan. Durwan category comprises of Ex-servicemen and non ex-servicemen. As per Clause 2(vi) (2) of the settlement, all Ex-servicemen in Durwan category will be placed as security guards. Hence, as per Clause 2(ii), Durwan category consists of employees other than Ex-servicemen who had not opted to the post of Security Guard since as per Clause 2(vi)(e) all Ex-servicemen in the Durwan category will be placed as Security Guards. Hence, in the circumstances T. Sethumadhavan is entitled to be placed in Group-II Scale as security guard.

6. The evidence in this consists of Ext. W1 on the side of the union and Ext. M1 to M5 on the side of the management.

7. Following points arise for consideration :

- (1) Whether this reference is maintainable?
- (2) Whether the action of the management in denial of promotion to Sri Sethumadhavan is justified?
- (3) Relief?

**8. Point No. 1 :** The management has contended in its written statement that the dispute raised by the union is not an industrial dispute and hence it is outside the scope of Section 12 of the Industrial Disputes Act. The dispute raised is in a general nature. Regarding the interpretation of settlement affecting a particular class of employee. Therefore, the contention of the management is that a dispute raised by the union as an industrial dispute is not sustainable. It is also contended by the management in its written statement that as per the terms of regulation 29 of the Reserve Bank of India Staff Regulation 1948, of appointments shall be made at the direction of the bank and employees shall have no right to be appointed or promoted at any particular class or grade. The learned counsel for the union have cited a decision of the Honourable Supreme Court of India in Ajith Singh and others Vs. State of Punjab and others reported in 1999 AIR SCW page 3460—in substantiating his argument that the above contention of the management that the employees shall have no right to be appointed or promoted to any particular post or grade is not sustainable. It is held in that case if a person satisfied the eligibility and zone criteria but is not considered for promotion, then there will be a clear infraction of his fundamental right to be considered for promotion, which is his personal right. Therefore the above contention of the management is not sustainable. In the circumstances and for the above discussion I find that the reference is maintainable.

**9. Point Nos. 2 & 3 :** The workman Sri T. Sethumadhavan is an Ex-serviceman and is working as Durwan in the management Bank at Ernakulam. The case of the union is that as per settlement dated 12-10-2000 Durwan who are recruited from the Ex-serviceman category will be placed in Group II scale as security guard. Ext. W1 is the copy of the settlement dated 12-10-2000. Clause II (VI)(e) of Ext. W1 settlement read as follows: "The existing Durwans who are recruited from the ex-servicemen category will be placed in the Group II scale as Security Guards, as from the date of this settlement if they are not already promoted as Security Guards. They will continue to perform the same duties as Durwans until such time they are absorbed on regular basis as Security Guards." It is also the case of the union that the workman requested the management to promote him to the post of security guard. But the management denied the placement to Sri T. Sethumadhavan to the post of Security Guard on the ground that as per the terms of the Ext. W1 settlement a Durwan who had declared for promotion earlier is not eligible to be placed in Group II scale security guard. The learned counsel for the union would argue that as per clause II(vi)(e) of Ext. W1 settlement the workman who is an ex-service man and working as Durwan is entitled to be placed to the post of the security guard. But the contention of the management is that as per Clause (ii) of the settlement, the Durwan who are not opted for promotion



earlier would continue to be in the cadre of Durwan permanently and consequently the placement is higher Grade II is not applicable to them. Durwan category has defined in clause 2(ii) of the settlement will only comprise of Durwan who are not opted for promotion. Clause 2(ii) of the Ext. W1 settlement dated 12-10-2000 read as follows : "for the purpose of Senior Post promotion to Group III. Durwans will be treated as a separate category from Mazdoors. The Durwans category will comprise of Durwans who were recruited as such and have not opted for promotion to the post of Security Guards and those Mazdoors who have permanently opted to work as Durwans. The post of Gateman in Chennai office will also be converted and merged with this category of Durwans. The seniority of these Mazdoors among the Durwans will be determined on the basis of dates of their long term posting as Durwans" as per Clause 2(ii) of the settlement Durwan will comprise only on Durwan who had not opted to the post of Security Guard. So non-ex-servicemen who had to opted for promotion as Security Guard, will be outside the purview of Durwans. But all the ex-servicemen in the Durwan category as per clause 2(vi)(e) of the Ext. W1 settlement be placed in group 2 scale as security guard.

10. Management has also contended that as the workman had not opted to the post of security guard he will not be promoted and posted as Security Guard. The learned counsel for the union would argue that the temporary non-option to the post of security guard will not deny the workman, the benefits of the settlement dated 12-10-2000. Clause 2(vi)(e) specifically and clearly says that the workman to be placed in Group-2 scale as security guard. Clause 2(ii) of the Ext. W1 settlement dated 12-10-2000 relating the Durwan and who have not opted to the post of security guard and this Mazdoors who have permanently opted to work as Durwan. There is no reason that clause 2(ii) of Ext. W1 settlement is for ex-serviceman category whereas clause 2(vi)(e) of Ext. W1 specifically says about the existing Durwan who are recruited from the ex-serviceman category. So as per clause 2(vi)(e) of Ext. W1 settlement the workman Sri Sethumadhavan who is a Durwan in the ex-service man category is entitled to get promotion as security guard and the non-option by the workman to the post of security guard is not relevant. In the circumstances and for the above discussion I find that the action of the management. Reserve Bank of India in denial of promotion to the workman Sri T. Sethumadhavan is not justifiable and the workman is entitled to get promotion.

In the result, an award is passed holding that the action of the management is not justifiable and that the management is directed to promote the workman Sri T. Sethumadhavan as Security Guard within one month from

the date of publication of the award in the Central Government Official Gazette.

Dictated to the Confidential Assistant, transcribed and typed out by her, corrected by me and passed this the 27th day of April, 2005.

Ernakulam.

K. K. UTHARAN, Presiding Officer

#### APPENDIX

##### Exhibits marked on the side of Management :

- Ext. M1 — Copy of an intimation dated 17-8-99 from the Management to workman seeking Willingness.
- Ext. M2 — Copy of letter dated 18-8-99 from workman and Management intimating willingness.
- Ext. M3 — Copy of Memorandum of Settlement dated 12-10-2000 between the Management and the concerned union.
- Ext. M4 — Copy of letter dated 14-7-2001 from the Management to the union.
- Ext. M5 — Copy of circular dated 22-1-2001 issued by Management.
- Ext. M6 — Copy of a letter dated 12-4-2004 from the Management to union Secretary regarding promotion.
- Ext. M7 — Copy of letter dated 12-4-2004 from the union to Management.
- Ext. M8 — Copy of letter dated 21-6-04 from the Management to its subordinate offices.
- Ext. M9 — Copy of office circular dated 10-7-2004 from the Management's Thiruvanantharam Office.
- Ext. M10 — Copy of letter dated 5-8-2004 from the workman to the Management.
- Ext. M11 — Copy of letter dated 20-8-2004 from the Management to workman.

##### Exhibit marked on the side of workman :

- Ext. W1 — Copy of memorandum of settlement dated 12-10-2000 between the Management and Union.

नई दिल्ली, 29 जुलाई, 2005

का. आ. 2988—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ बिकानेर एण्ड जयपुर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या आई. डी. 55/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-7-2005 को प्राप्त हुआ था।

[सं. एल-12012/112/2004-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 29th July, 2005

**S.O. 2988.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I. D. No. 55/2004) of the Central Government Industrial Tribunal/Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Bikaner & Jaipur and their workman, which was received by the Central Government on 28-7-2005.

[No. L-12012/112/2004-IR(B-I)]  
AJAY KUMAR, Desk Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT-55/2004

Reference No. L-12012/112/2004-IR (B-I)

Sh. Kanhiya Lal Parsami,  
121/2 Pratap Nagar,  
Opposite College Ground,  
Chittorgarh (Rajasthan)

... Applicant

Versus

The Assistant General Manager,  
State Bank of Bikaner and Jaipur,  
Zonal Office, 6-A, New Fatehpura,  
Udaipur

... Non-applicant

Present :

Sh. R. C. Sharma, Presiding Officer

For the applicant : Shri R. C. Jain

For the non-applicant : Sh. Anurag Agarwal

Date of award : 10-6-2005

#### AWARD

1. The Central Government in exercise of the powers conferred under Clause 'D' of sub-Sections 1 & 2(A) to

Section 10 of the Industrial Disputes Act, 1947 (herein after referred to as the 'Act') has referred this industrial dispute for adjudication to this Tribunal which runs as under :—

“Whether the action of the Asstt. General Manager, Regional Office, State Bank of Bikaner & Jaipur, Udaipur in terminating the services of the workman Sh. K. L. Parsami w.e.f. 20-8-2002 after imposing the punishment is legal and justified ? If not, to what relief the workman is entitled to and from which date ?”

2. The claimant in his claim statement has pleaded inter alia that while he was working as a cashier category-E at Chittorgarh Branch of State Bank of Bikaner & Jaipur, he was suspended vide letter dated 13-3-2001 and was served with a chargesheet dated 24-3-2001. He has stated that all the proceedings conducted against him during the course of enquiry and the punishment order are liable to be set aside and that the disciplinary authority had a bias against him. He has further averred that only single charge was levelled against him, which the enquiry officer has found not proved, but the disciplinary authority has found it to be proved, who has not assigned his reasons for disagreement. He has also stated his termination is a simpliciter, which tantamounts the retrenchment, but prior to his termination the provisions under Section 25-F and 25-G of the Act were not complied with by the non-applicant establishment. He has also mentioned that the charge levelled against him relates to a minor misconduct and his termination on that account is unjustified and illegal.

3. Resisting the claim of the workman, the non-applicant in his written counter has supported the findings of the enquiry officer as well as the punishment order passed by the disciplinary authority. He has further stated that an appeal was preferred by the workman which was rejected by the appellate authority.

4. On 6-5-2005, the 1d. representative acceded to the fairness of the domestic enquiry.

5. I have heard both the parties on the merits of the dispute and have scanned the record.

6. The 1d. representative for the workman while assailing the impugned termination of the workman has raised the following submissions before me, which are discussed hereunder :—

7. The 1d. representative for the workman contends that the enquiry officer has found charge no. 2 not proved but the disciplinary authority in the show cause letter dated 10-7-2002 has not given the reasons of the disagreement of charge no. 2. The 1d. representative further contends that with regard to charge no. 3 no evidence could be adduced to prove it and, therefore, it cannot be treated to be proved against the workman.

8. Countering these submissions, the 1d. representative for the bank contends that the enquiry officer has found charge no. 2 as not proved, but the disciplinary authority in the show cause notice dated 10-7-2002 has conveyed the reasons for his disagreement. In respect of charge no. 3, the 1d. representative contends that Ex. 8, receipt, is the clear admission of the delinquent that he had returned the money to the account holder on 2-3-2001 and the workman has admitted the correctness of all the documents. In the rejoinder, the 1d. representative for the workman has contended that the management has not exhibited receipt Ex. M8 before the enquiry officer.

9. I have bestowed my anxious consideration to the rival contentions and have carefully perused the judicial verdicts referred to before me.

10. The chargesheet dated 24-3-2001 reads that on 13-1-2001 you received cash aggregating Rs. 1,92,500 from M/s Chagan Lal Mundra for credit in cash credit account No. 0160003000200. The receipt was entered in the receipt counter cash memo as Rs. 1,42,500 by the cashier. The excess cash receipt of Rs. 50,000 was not deposited in Sundry Deposit account and was instead retained by you with yourself. The account holder reported on 2-3-2001 that while checking his books on 2-3-2001 he found the discrepancy. Thereafter it is reported that you returned the amount of Rs. 50,000 to M/s Chagan Lal Mundra on 2-3-2001. Thus you violated the prescribed instructions regarding handling of cash and acted in a manner highly prejudicial to the interests of the Bank. You, therefore, committed a very serious lapse which tantamounts to gross misconduct as per para 19.5 (j) of the 1st Bipartite Settlement dated 19-10-1966.

11. Ex facie, this is the single charge relating to the misconduct defined under para 19.5 (j) of the BPS. Further, to be more clear, it can be said that the single charge was levelled against the workman, but the enquiry officer in his enquiry report for the sake of convenient discussion has split it into 3 points, or in other words, he formulated 3 points to arrive at a proper conclusion of the case. The first point formulated by him is whether on 3-12-2000, delinquent had received a sum of Rs. 1,92,500 but he credited the amount to the tune of Rs. 1,42,500 and issued the receipt accordingly and retained the balance of the amount Rs. 50,000 with him. After discussion of the evidence, the enquiry officer has recorded his finding on this point and has considered it to be proved against the delinquent. The next point which was formulated by him is whether the account holder came to know this fact on 2-3-2001 and thereafter the delinquent returned the excess of the amount to him on the same date. He found that this point could not be proved by the management. The last point framed by him was whether this act of the delinquent was highly prejudicial to the interest of the bank and he found it to be proved.

12. The disciplinary authority in the show cause notice dated 10-7-2002 has recorded his tentative reasons for disagreement on point no. 2 in the manner that "the second charge is also found to be proved on the basis of the facts".

13. The point-wise findings of the enquiry officer are to be construed in its spirit which echoes that charge no. 2 was not an independent or a separate charge and was merely a part of the same charge, which was split into 3 parts for a convenient discussion of the evidence and recording the findings thereupon. Thus, when this factual aspect is understood in its true sense, it conveys the meaning of the single charge. Moreover, the disciplinary authority has assigned the tentative reason of his disagreement even with regard to point no. 2, which has been stated above and while the copy of the enquiry report was given to the delinquent before the submission of his written brief, he could go through the facts pertaining to point no. 2 and on these facts it cannot be presumed that his case was prejudiced on this count in any manner.

14. Turning to the next submission made on behalf of the workman that no evidence could be laid on charge no. 3, in the light of the aforesaid facts, suffice it to state that this point was formulated to arrive at a conclusion whether on facts the delinquent had committed the alleged misconduct? This point no. 3 indicates only the net result of the discussion of the evidence adduced by both the parties before the enquiry officer, which was answered in positive in favour of the bank. Therefore, both these submissions advanced on behalf of the workman are wholly misconceived and cannot be maintained.

15. The 1d. representative for the workman has referred to the decisions 2001 (1) LLJ SC 1419 and 2003 (96) FLR SC 998 on this point, which on facts have no application to the present controversy and are of no avail to the workman.

16. The next submission of the 1d. representative is that the disciplinary authority in his conclusion has relied upon the statement of the delinquent, Ex. 11 B and the complaint on which the enquiry was initiated, but these documents were not produced during the course of the enquiry nor their copies were furnished to the workman and has relied upon the decision reported in 1993 (66) FLR SC 164. In response, the 1d. representative for the bank contends that the delinquent had not raised such objection in his appeal. Though this submission has the flavour of the preliminary issue of the fairness of the domestic enquiry, which has been acceded to on behalf of the workman and could not be raised at the subsequent stage, yet as it has been agitated and contested by the parties, I, in the interest of justice, proceed to examine it.

17. Ex. 11 B appears to be a statement of the delinquent dated 8-3-2001 wherein the alleged transaction

is recorded. I have carefully gone through the enquiry report but I found that this document has not been mentioned therein, nor from the perusal of the management evidence it appears that it was produced during the course of recording the evidence. The disciplinary authority indeed has relied upon it, but that is not the sole basis of arriving at his conclusion of the guilt of the delinquent. Secondly, so far as the non-submission of the complaint is concerned, the disciplinary authority in his conclusions has noted that on probing into the matter on 2-3-2001 the account holder complained the matter to the Branch Manager. This noting does not indicate that any complaint (in writing) was submitted before the Branch Manager. To be more clear, the chargesheet reads that the account holder reported on 2-3-2001 that while checking his books on 2-3-2001 he found the discrepancy and thereafter it was reported that you (delinquent) returned the amount of Rs. 50,000. It nowhere specifically says that the complaint was made in writing or a written complaint was submitted before the Branch Manager. Therefore, the contention put forth on behalf of the workman is not well founded and is unsustainable. The decisions relied upon by the Id. representative for the workman are easily distinguishable on facts and are dissimilar to the present controversy and these decisions render no assistance to the workman.

18. The Id. representative for the workman then has contended that no document has been exhibited by the management and has indicated the receipt Ex. 8 B in this regard. But it is difficult to be persuaded by the submission of the Id. representative since PW2 Prem Prakash Mundra has exhibited the receipt Ex. 8 B in his testimony before the enquiry officer and the submission cannot be maintained.

19. The Id. representative for the workman has also contended that the disciplinary authority has recorded his conclusions with the consent of the vigilance cell, which is not his independent finding and the punishment order should be quashed. In respect of this submission, the Id. representative has relied upon 1992 (II) LLJ SC 149. In the decision *supra*, the enquiry officer finally concluded that the transaction alleged against the delinquent was in clear violation of the rules of the bank. The bank, thereafter, referred the matter to the Central Vigilance Commission for advice and the commission recommended that the petitioner may be compulsorily retired from service by way of punishment. On these facts the Hon'ble Apex Court has held that the disciplinary authorities have to exercise their judicial discretion having regard to the facts and circumstances of each case and they can't take the decision under the direction of vigilance commission or Central Government.

20. In the case on hand, the disciplinary authority has recorded his ultimate findings and came to the

conclusion that the delinquent be discharged under para 19(e) and his misconduct be condoned. After concluding it he has noted that after obtaining the concurrence from the vigilance cell the delinquent be discharged from service w.e.f. 1-7-2002. Thus the ultimate conclusion was drawn by the disciplinary authority and the judicial discretion in the regard to the punishment was also executed by the disciplinary authority himself on 1-7-2002. It does not sound that the decision of inflicting the punishment by the was entirely dependent upon the discretion of the vigilance cell. In view of this factual background, the submission of the workman is not tenable and the decision cited by him do not cover the present controversy. Accordingly, the submission of the Id. representative is devoid of substance and is repelled.

21. And lastly, the Id. representative for the workman has contended that vide order dated 20-8-2002 the workman was punished under clause 19.6 (e) with the punishment of discharge from the service, which would be deemed to be retrenchment under Section 25-F of the Act and the procedure contained therein has not been followed by the non-applicant and, therefore, it is illegal. The Id. representative has relied upon 1990 (II) CLR Bombay 33. As against it, the Id. representative for the bank contends that this court under Section 11-A of the Act has no powers to interfere with the punishment order and has referred to the decisions reported in (2002) 10 SCC 330 and (2005) SCC 481.

22. Vide order dated 20-8-2002, the disciplinary authority has inflicted upon the delinquent the punishment of discharge from the service under para 19.6 (e) while condoning his misconduct. Sub para (e) to para 19.6 says that any employee found guilty of gross misconduct may have his misconduct condoned and be merely discharged.

23. The facts of the decision reported in 1990 (II) CLR Bombay 33 are that the delinquent was discharged from his service by the disciplinary authority on completion of the departmental enquiry against him. The question which was posed before their lordships was whether the discharge of the delinquent employee amounts to his retrenchment within the meaning of the definition under Section 2 (00) of the Act?

24. Their lordships in this case while considering the fact of sub para 10 to para 521 of the Sastri Award have observed that the discharge in such cases is not meant to amount to disciplinary action and the Hon'ble Court has further observed that "when recourse is taken to clause (e) of sub-para (5) of para 521 of the Sastri Award under which the punishing authority takes a positive decision to condone the charge of misconduct against the delinquent employee, it would, in effect, wipe out the said charge of misconduct against him. The decisions relied upon on behalf of the Respondent No. 2 Bank are therefore

of no assistance of it. In the context of clause (e) of sub-para (5) of para 521 of the Sastry Award, the termination simpliciter of a bank employee effected thereunder cannot be by way of punishment. In fact, it is not open to the Respondent No. 2 bank to dispute this fact because in the principal order dated 9-4-1970 of the Staff Superintendent on the basis of which the employee concerned viz., Shri Sadavarte is communicated his discharge simpliciter it is clearly stated in the last sentence that in terms of sub-clause (c) of sub-para (10) of para 521 of the Sastry Award the discharge of the employee concerned would not amount to disciplinary action which would clearly show that even the punishing authority has not issued the order of discharge by way of punishment." The Hon'ble Court then has concluded its observation by stating as below :—

"If the discharge of Shri Sadavarte from service is not by way of punishment, it would not be excepted from the definition of the expression 'retrenchment' given in Section 2 (000) of the Act and would be covered by it. It is not in dispute that the retrenchment compensation as provided in clause (b) of Section 25-F of the Act is not paid to Shri Sadavarte. His termination is, therefore, illegal and void being in non-compliance with the mandatory provisions of Section 25-F of the Act. It is thus liable to be set aside on this short ground."

25. Thus, in essence, the Hon'ble Court has expressed its views that when the delinquent is discharged from the service by way of condoning his misconduct then it tantamounts to the retrenchment and the establishment is required to follow the provision enshrined under Section 25-F of the Act. In the case on hand, the workman was neither served with one month's notice, nor was paid the salary in lieu of notice and retrenchment compensation, which unfolds that the provision under Section 25-F of the Act was not complied with. Accordingly, his discharge from the service tantamounts to retrenchment as defined under Section 2 (00) of the Act and since the requirements under Section 25-F of the Act have not been followed by the bank, his discharge is void and is liable to be set aside.

26. The decision relied upon by the Id. representative for the workman squarely covers the facts of the present case and the submission advanced on behalf of the workman becomes sustainable. The decision relied upon by the Id. representative for the bank do not bear resemblance with the facts of the present controversy.

27. To conclude, all the objections raised on behalf of the workman except objection discussed under para 21 to 26 supra, are found to be meritless and are untenable. But in view of the last submission, the punishment of discharge imposed upon the workman-delinquent cannot be maintained and he is entitled to be reinstated in the service.

28. In the result, the reference is answered in the affirmative in favour of the workman and it is held that his termination order dated 20-8-2002 is illegal and unjustified and is quashed. His claim is allowed and it is further held that he is entitled to be reinstated in the service with its continuity and 50 per cent back wages. However, the management of the bank shall have the liberty to consider the retrenchment of the service of the workman in accordance with the provision under Section 25-F of the Act. An award is passed in these terms accordingly.

29. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 29 जुलाई, 2005

का. आ. 2989—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सादर रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या आई डी 115/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-07-2005 को प्राप्त हुआ था।

[सं. एल-41012/94/2003-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 29th July, 2005

S.O. 2989.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I. D. No. 115/2003) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Southern Railway and their workmen, which was received by the Central Government on 28-07-2005.

[No. L-41012/94/2003-IR(B-1)]  
AJAY KUMAR, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday the 25th April, 2005

#### PRESENT :

K. Jayaraman, Presiding Officer,

INDUSTRIAL DISPUTE No. 115/2003

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Southern Railway and their workmen].

**BETWEEN:**

Shri M. Ramadoss ... I Party/Petitioner

**AND**

The General Manager ... II Party/Management  
Southern Railway,  
Chennai

**APPEARANCE:**

For the Petitioner : M/s. S. Vaidyanathan &  
M. Rajendran, Advocates

For the Management : Mr. N. R. Rajagopalan,  
Advocate

**AWARD**

The Central Government, Ministry of Labour vide order No. L-41012/94/2003-IR (B-I) dated 04-07-2003 has referred this industrial dispute to this Tribunal for adjudication. The Schedule mentioned in that order is:—

“Whether the action of the management of Southern Railway in removal of service of Shri M. Ramadoss, L.R. Porter is justified? If not, what relief he is entitled to?”

2. After the receipt of the reference, it was taken on file as I.D. No. 115/2003 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations of the Petitioner in the Claim Statement are briefly as follows:—

The Petitioner joined the services of Railways on 5-12-84 as traffic porter. While so, he was placed under suspension on 20-4-99 on the alleged charge that he deserted the work and the Petitioner was issued with chargesheet dated 13-5-99. Even though the Petitioner submitted his explanation, the Respondent has not satisfied with the explanation and ordered for a domestic enquiry. The enquiry is a farce and the Enquiry Officer has given a finding that the charges framed against the Petitioner is proved. But the findings of the Enquiry Officer are one-sided and perverse. The documents filed by the Petitioner have not been considered. The Petitioner was not on duty on 20-4-99 and he was on leave on that date. The station master colluded with the railway management and punished the Petitioner on a false ground. Further, the station master removed some of the pages from PN register and foisted a false case on the Petitioner alleging that the Petitioner has removed the said pages. When he was on leave he cannot be blamed for desertion of duty on 20-4-99. The Disciplinary Authority has blindly accepted the findings of the Enquiry Officer and imposed the punishment of removal from service on the Petitioner. The Appellate Authority also without applying his mind has rejected the appeal. Even the revision preferred by the

Petitioner has not been considered properly by the Revisional authority. Even assuming without conceding that the charges are proved, the extreme punishment of removal from service is too harsh and the Tribunal has got every right to interfere with the punishment under section 11A of the I.D. Act. Hence, the petitioner prays that an award may be passed to set aside the order passed by the Disciplinary Authority and to reinstate the Petitioner into service with back wages, continuity of service and all other attendant benefits.

4. As against this, the Respondent in its counter statement contended that no doubt, the Petitioner was engaged as a substitute sweeper-cum-porter on pay of Rs. 196 in the scale of Rs. 196-232 w.e.f. 28-2-85 and while he was working as leave reserve porter at Rameshwaram he was issued with charge-sheet for a major misconduct on 13-5-99 for the charge of unauthorised absence and for taking up duty without signing the muster and handing over charge/taking over charge register on 20-4-99 and deserted the cabin after performing duty till 11.30 hrs. Further was a chronic absentee and he was punished for misconduct on three earlier occasions. The enquiry was conducted in a fair and proper manner and reasonable opportunity was given to the Petitioner in the enquiry. It is false to allege that the Petitioner was on leave on 20-4-99. The Petitioner was rostered to work from 7.00 hrs to 19.00 hours on 20-4-99 and while performing duty, he deserted the duty spot at 11.15 hrs. He had neither signed the muster nor HOC/TOC register on that day and the pages of PNE register pertaining to that date found in torn condition. Further, he had committed irregularities in PN exchange when he was on duty on 17-4-99. The Petitioner has not produced any documents during the enquiry. The enquiry and the findings of Enquiry Officer are in order and requires no interference. Further, he was medically decategorised on the ground of eye-sight and he was given alternative job as parcel porter. Hence, for all these reasons, the Respondent prays that this industrial dispute may be dismissed with costs.

5. In such circumstances, the points for my determination are—

(i) “Whether the action of the Respondent/ Management in removing the Petitioner from service is justified?”

(ii) To what relief the Petitioner is entitled?”

**Point No. 1 :**

6. After filing of statements, the case was posted for enquiry for several times. Finally, the counsel for the Petitioner has withdrawn his vakalat from appearing for the Petitioner and the Petitioner appeared in person and prays some more time for enquiry. But even after several adjournments, the Petitioner never turned up and he remained absent and therefore, he was set ex-parte.



7. Under these circumstances, this Tribunal has to look into the matter 'whether from the statements, the Petitioner has established his case'? The charge against the Petitioner is that he was unauthorisedly absent and for taking up duty without signing the muster and handing over charge/taking over charge register on 20-4-99 at which date he was rostered to work in Rameshwaram cabin from 07.00 hrs to 19.00 hrs. and he deserted the cabin after performing duty till 11.30 hrs. Though the Petitioner alleged that he was on leave on 20-4-99, there is no substantial evidence to prove his contention. Further, it was alleged that he has torn the pages of the PNE register pertaining to 20-4-99. The Petitioner alleged that the station master who have got enmity with him has torn the pages and has falsely alleged that the Petitioner has done this mischief. But he has not filed any proof or evidence to substantiate his contention. Hence, the Petitioner who alleged that he was on leave on 20-4-99 has not proved this fact with any satisfactory evidence, I find this point against the Petitioner.

#### Point No. 2 :

The next point to be decided in this case is to what relief the Petitioner is entitled ?

8. In view of my foregoing findings that the Petitioner has not proved the facts to satisfy this Tribunal that he is entitled to the relief, I find the Petitioner is not entitled to any relief. No Costs.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 25th April, 2005).

K. JAYARAMAN, Presiding Officer

#### Witnesses Examined :

On either side : None

#### Documents Marked :

On either side : Nil

नई दिल्ली, 2 अगस्त, 2005

का. आ. 2990—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापट्टनम रिफायनरी के प्रबंधन के संबंध में निरदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 170/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-7-2005 को प्राप्त हुआ था।

[सं. एल-30011/68/2000-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 2nd August, 2005

S.O. 2990.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 170/2002 of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of Visakha Refinery, HPCL and their workmen which was received by the Central Government on 02-08-2005.

[No. L-30011/68/2000-IR(M)]

B. M. DAVID, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

#### PRESENT :

Shri E. Ismail, LL.B., Presiding Officer,

Dated the 9th day of May, 2005

#### INDUSTRIAL DISPUTE I. D. No. 170/2002

#### BETWEEN:

The General Secretary,  
HPCL Employees Union,  
(Visakha Refinery) (CITU)  
Qr. No. C-15, West Yarrada Park,  
Sriharipuram,  
Visakhapatnam-530 011 ... Petitioner

#### AND

The Chief General Manager,  
Visakha Refinery, HPCL  
P.O. Box No. 15,  
Malkapuram,  
Visakhapatnam-530 011 ... Respondent

#### APPEARANCES:

For the Petitioner : Shri G.K.P. Reddy,  
Advocate

For the Respondent : Shri Y. V. Sanyasi Rao,  
Advocate.

#### AWARD

The Government of India, Ministry of Labour by its order No. L-30011/68/2000/IR (M) dated 8-1-2001 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of HPCL and their Union. The reference is,

#### SCHEDULE

"Whether the action of the management of Visakhapatnam Refinery, HPCL, Visakhapatnam in deducting 9 (nine) days wages in the wage period of

December, 1997 against 109 workmen (as per list enclosed) as alleged by HPCL Employees Union (Visakhapatnam Refinery), Visakhapatnam is legal and or justified? If not, to what relief the Union is entitled?"

2. The brief facts stated in the claim statements are that the petitioner is the General Secretary of the HPCL Employees Union, Visakha Refinery and he is representing the workmen.

3. A disaster took place in the premises of HPCL on 14-9-1997 and many lives were lost and extensive damage had occurred to the refinery units and various buildings were also damaged. The nearby houses were also damaged due to the explosion. Due to disaster, the management had shut down the factory for repairs, restructuring and installing new once in place of damaged once. So, the production was halted upto Feb. 1998.

4. 189 employees on the first December, 1997 had approached the opposite party and asked him to provide basic amenities such as toilets, water, canteen facilities, shelter etc. The Management, instead of providing the amenities, had surprisingly a letter-dated 1-12-1997 was displayed on notice board. The Management has deducted that their salaries for 1 + 8 = 9 days. But more surprisedly, the management had not issued any show cause notices.

5. Under certified standing orders applicable to non-management employees, according to Rule XXV (A) (i) the management should give show cause notice prior to deduction of salary, which is very much essential as required under standing orders. The management without giving any show cause notice straight away deducted salary. Hence the management had violated the standing orders of HPCL.

6. That as per rule XXIV of standing orders of HPCL there is no provision to deduct penal wages for illegal strike if any. For a peaceful representation by workmen the management had termed it as a strike, but more so the HPCL is shutdown for repairs/reconstruction and no production took place and the HPCL was not functioning and as such the ESM act also does not come into effect.

7. That the opposite party had even stated that, the asking of the workmen for amenities amounts to illegal strike under provisions of ID Act. Surprisingly the management did not issue any show cause notices to workmen. In haste, the opposite party deducted salary for 9 days in month of January 1998. There is no provision or section in ID Act to penalize the workmen for penal deduction of wages.

8. The opposite party had also stated that the industry falls under Essential Services Maintenance Act (ESMA). The ESMA should be declared by Petroleum Ministry but not by the opposite party. The opposite party

did not state the reasons or quote the sections under which act or rule the opposite party had done penal deduction for 9 days.

9. The union had later approached the Assistant Labour Commissioner (C) and submitted their grievances. The ALC(C), Viskhapatnam had called the conciliation proceedings. The management did not attend for the conciliation proceedings and remained absent for many meetings. Finally the ALC(C) had issued a failure of the conciliation and referred the matter to the Ministry of the Labour, Government of India and as such the applicant had no other option but to file this claim application.

10. The workmen shown in the list are all members in the union which the applicant is the General Secretary. The union is a registered trade union bearing registered number D 1706/98 and framed by laws for the union and document No. 1 is the Xerox copy of the certificate of the registration. The said union is affiliated to CITU and the certificate also filed. The deduction of 9 days wages is illegal. Hence the petition may be allowed by granting 9 days wages to 189 workmen and also interest at the rate of 24% per month from 1-12-1997 date of realization cost of the application.

11. The respondent filed a counter stating that the union is not a recognized union as such the union has the loco standi to raise any industrial dispute against the management and reference is invalid. The Hon'ble High Court of A.P. in WP No. 7071/2001 filed by the union held in its order dated 17-4-2001 that the union not being a recognized union and only be afforded an opportunity to represent but not to raise any industrial dispute. No reference could have been made on a dispute raised by a union which is not a recognized union.

12. There was a fire holocaust on 14-9-1997. No production unit was destroyed in the fire accident.

13. As no production unit was damaged, the management did not lay off any workmen. The management in its letter dated 17-9-1997 addressed to the General Secretary of petroleum workers union notified reporting hours and place etc. w.e.f. 18-9-97 after due discussions with the said recognized union. For the entire period, salaries were paid to all the employees even though there was no production and likewise the 189 employees on whose behalf the present claim has been made were also paid salaries.

14. The canteen which was located inside the premises in a separate building having been destroyed and as an enquiry commission was appointed into the cause of fire accident the reconstruction of canteen buildings and other buildings destroyed in the fire was dependent upon the procedural requirements and sanctions etc., resulting in delays. One of the questions that was discussed by the management was the desirability



of relocating the canteen building inside the Refinery premises as the cooking in canteen was a likely fire hazard. The issue was referred to Engineers India Ltd., expert consultants, and the General Secretary of the recognized Union was appraised on this issue through the letter of the management dated 19-3-1998. Thus, every effort has been made to relocate the destroyed canteen.

15. It is submitted that, whatever it is, each employee attending the shift was paid Rs. 30 per shift and given tea and coffee. All the employees including the workmen on whose behalf the claim has been preferred having received 'in lieu' amount. On further discussions to enable the workers have their lunch/dinner without running hither and thither arrangement was made with M/s Manisha Restaurant, Visakhapatnam to supply lunch/dinner during all shifts including days shift and such of the employees availing of this facility were paying from Rs. 30 the allowance being paid. This arrangement was modified under a notice dated 28-5-1998. Thus every effort was made after due discussions with the recognized union even in such distress. There was no cause for the union to resort to sudden illegal actions. All the employees on whose behalf the claim is purported to have been made, are not all members of the union. In fact, the claimant union was registered only on 2nd July, 1998 and the same was not in existence when the fire broke out destroying the canteen building etc. This shows the falsity of the claim by the union and the allegations. In addition to the recognized union viz. the Petroleum Workers' Union, there is one more Union viz. Visakha Refinery Workers Union. This Union viz. Visakha Refinery Workers union alone raised the issue of deduction of 9 days wages but not on the canteen issue. There was no demand at all by the claimant union in this regard.

16. It is submitted that on 1st December 1997 at about 8 A.M. around 150 workmen of the Refinery gathered at the gate of the additional tankage area of the Corporation which was addressed by the President of the recognized union and thereafter they proceeded to the project office instead of reporting for duty at their respective work places. They crowded the reception and corridor in front of the General Manager Project office and continued to squat around restricting the inward and outward movements of the officers and also held in confinement the Executive Director, Visakha Refinery, Sri M.A. Tankiwala, and General Manager, Projects Sri A. B. Sathe and the General Manager, Operations Sri A. S. Tulaskar besides some officers. This interrupted the work to be attended to on war footing and the above sudden illegal acts including abstention at the work places in a concerted manner amounted to an illegal strike. The Executive Director Visakha Refinery had brought out these illegal acts to all the employees on 1-12-1997 through notice boards that Petroleum Industry is a controlled industry and also falls under Essential Services

Maintenance Act and advised the Employees to report for duties immediately failing which appropriate action besides losing the days wages and penal deduction of 8 days wages will be made. Management also specifically brought to the notice of the Assistant Commissioner of Labour (C) vide letter dated 1-12-1997 the sequence of occurrences, the illegal strike etc.

17. The issue could not have been taken up as it is from unrecognized union and further it has been raised after 17 months from the date of incident. Hence reference may be ordered against the petitioners.

18. The petitioner examined K. Suryanarayana, General Secretary of HPCL Employees Union, Visakha Refinery certificate of registration of trade union is Ex. W1. Rules of the union are Ex. W2. Affiliation certificate is Ex. W3. Ex. W4 is the newspaper report dated 2-12-1998 with the news item that there was an explosion in the factory resulting in loss of 15 crores. Ex. W6 is a notice issued by the Executive Director Visakha Refinery that all the workmen who were shouting slogans will be penal deduction of wages 9 days for illegal strike. Ex. W7 is the letter written by him on 7-10-1998 to pay the wages. Ex. W8 is the representation to ALC(C). Ex. W9 is the letters of 103 workers whose wages totaling Rs. 1,70,461.53 was deducted that on 1-10-1997. The workers demanded for basic amenities like canteen, drinking water, shelters, toilets etc. The management failed to provide the said amenities. They refused to listen to the grievances. Hence the workers resorted to peaceful protest and the management deducted unjustly 9 days wages. In cross-examination, it is correct that the union has been registered on 2-7-1998 as per Ex. W1. It is true that their union was not in existence when their wages were deducted. It is true that in the recognized union by name petroleum union, Visakha Refinery that in the recognized union there are 750 to 800 workers that he has filed WP 7071/01 the Hon'ble High Court disposed of the said petition directing the respondent to afford an opportunity to represent their members. It is true that even though there is no production for six months on accounts of shed down, the management paid full salary without resorting to lay off. It is true that 109 workers were working in the unaffected units. In all those unions, there are dining hall and toilets and drinking water facilities. The canteen completely destroyed. He is not aware whether the Supreme Court had granted stay in the matter of providing canteen. It is true that till date i.e. 15-5-2002, there is no canteen. A contract was given to outsider to supply food inside the refinery premises if the workers were not using to take food, they were paid Rs. 30 which is now increased to Rs. 40. He is not aware whether there was a notice dated 14-11-1997 directing all the workmen to work otherwise they will not be paid wages. On 1-12-1997 many workers went to the office of the Executive Director, they were told that the meeting should not be disturbed that they all approached at 9.30 a.m. No

permission was taken. He did not go along with them. Hence he does not know what happened. It is not true to say that the officers were confined till evening. The witness added that he came to know that this lasted for two hours. He denied that the deduction is valid.

19. Mr. Ravi Kumar was examined as WW2. He says that when the workers went to demand shelter, water, toilets and canteen facilities, the respondent refused to listen to their grievances. No show cause notice was issued before deducting wages, he also one of the affected person. In the cross-examination, he agreed that there was drinking water, toilets in unaffected areas. He admitted that about 100 employees went to the office of the Executive Director and they all gathered at the office of the Executive Director during the working hours that they left the work place. Notice states that in addition to the deduction of wages of 1-12-1997, 8 days wages would also be deducted.

20. The management examined Sri K. P. Gokhale who deposed about the accident and also deposed that there was no affect to the maximum facilities in the unaffected area. He denied that the basic amenities were not provided.

21. The Dy. General Manager (HRD), marketing was Sri P. K. Joshi was examined as MW2 and deposed to the facts stated in the counter and also added that there was a section 12(3) settlement which was recorded on 26-8-2002 before RLC(C), Hyderabad to which their union was also a party in which they have agreed as per clause 3 (C) at page 5 of Ex. M 15 that all proceedings shall be withdrawn and settled except individual dispute as per the above clause. This reference should be treated as withdrawn, as it will not survive.

22. In the cross-examination, he deposed that Ex. M11 & M12 are created for the purpose. He denied that Ex. M11 and M12 are for the purpose of this case and they were not issued. The settlement is valid for 10 years from 31-8-2002. Ex. M15 covers wages, other service facilities and welfare facilities. Standing orders are applicable to the workers at Visakha Refinery. It is not correct to say that under Standing orders 25, wages should not have been deducted without informing in writing and charge sheet and detailed domestic enquiry that WW1 denied that he received show cause notice i.e. Ex. M2 and M3 is the reply that these workers had gheraoed the Executive Director.

23. The management examined Md. Tankiwala as MW3 and deposed that on 1-12-1997, inspite of all the amenities have been provided to the workers, when he was sitting in a meeting with other officers, they gheraoed the office for 5 hours preventing an exit entry including his exit. They used abusive language, raised slogans and threatened about for 5 hours. Immediately thereafter Ex. M12 notice was displayed. He also saw Ex. M13 communication to the ALC(C), Visakhapatnam. Hence 9 days wages were deducted for these 109 workmen.

24. In the cross-examination, he denied that his office was not gheraoed nor any offensive language was used. He denied that under the standing orders, they are not supposed to deduct the wages of the workmen. It is correct that they had not issued individual notice to the workers. A general notice was put on all notice boards showing these 109 workers. It is correct that 8 days wages are deducted as penalty. It is not correct that under Standing Orders 25, no penalty can be imposed.

25. It is argued by the Learned Counsel for Petitioner that the 189 employees had approached the Management on 1-12-1997 and asked them to provide basic amenities but the Management deducted the wages of 9 days by exhibiting a notice and obviously the deduction of 8 days wages in the form of penalty. It is further argued by the Learned Counsel for Petitioner that as the deduction is by way of penalty then the standing orders would apply and the order 25(A)(i) which reads thus "No order imposing penalty whatsoever shall be made unless the workman concerned is informed in writing of the misconduct alleged against him and is given an opportunity to explain the circumstances" therefore, without giving an opportunity to explain and without informing individually the imposition of penalty is wrong. It is further argued that the contention of the Respondent that in view of settlement dated 26-8-2002 marked as Ex. M15 where the matter is not analogous or incidental to the settlement. It is about the Electrical charges, Overtime formula, compensatory pay and Pay allowances. So that settlement is not a bar. He further argued that merely because union took up the matter after 17 months is not a fatal time lag. No doubt, the union is formed in and registered on 2-7-1998 as per Ex. W1 and affiliated to CITU vide Ex. W3 on 16-1-1999 and this dispute is made subsequent to that i.e. in 2001 accordingly as the deduction of 8 days wages as penalty without following the standing orders cannot be upheld. Therefore, entire deduction of wages of 9 days in respect of 109 employees is not valid and the reference be ordered in favour of Petitioner.

26. It is argued by the Learned Counsel for the Respondent that the union filed Writ Petition No. 7071 of 2001 and Hon'ble High Court order dated 17-4-2001 held that the union being a non-recognized union can only be afforded an opportunity to represent but cannot raise any Industrial Dispute. Hence, no reference could have been made on a dispute raised by an un-recognized union. Hence the reference itself is not valid. That on 1-12-1997 at 8 AM the Dharna and all this things mentioned in the counter were took place. That on 16-2-1998 union is not at all in existence. Therefore they cannot raise the dispute when the recognized union has given a call not to resort to Strike & Dharna and the action of the Petitioner union is wholly illegal. It is a public utility service and such action, if they are condoned, would lead to a lot of problem for Management. He further submits that the settlement is

binding and for that he relied on 1996 (2) LLN 970 (SC) wherein it is held that settlement of labour disputes by direct negotiations and collective bargaining is always to be preferred for it's the best guarantee of Industrial peace and settlement of labour disputes is the aim of all legislations. He also relied on Judgement of High Court of AP 2000(5) ALD 669 (AP) wherein it was held that "I am of the opinion that since the date of Judgement of Supreme Court much water has flown and the misconduct on the part of the workmen is on increase ransacking the congenial atmosphere, expected to be maintained in the workplace. Every where musclemen are dictating terms to the Management and were creating severe unrest, resulting in loss of production, deterioration of services that are expected to be rendered in the Public Sector undertakings". He also relied on 2003(3) LLN 43 SC wherein it is held that "Demands cannot be exhibited by muscle power, for smooth functioning every employer depends upon disciplined workforce. In the name of presenting demands they cannot hold the employer to ransom". And for cutting the wages he relied on 1997 6 ALD page 530 DB wherein the question arose before High Court where the imposition of penal wage cut for action of indiscipline of the employees of APSRTC by stopping their work, the High Court upheld the penal wage cut for 8 days as the stoppage of work by Petitioner union caused great inconvenience to public. And he further argued that the cut of 9 days wages be upheld.

27. It may be noted a reference has been made and this court is bound to answer the reference. If the Management thought the reference itself is bad should have approached the Hon'ble High Court of A.P. by way of Writ Petition and should have got the reference quashed. Be that may be so. Apparently under Standing Order 25(A)(i) the workmen were not individually informed and not allowed to explain the circumstances. MW3, Mr. Tankiwala deposed that they have gheraoed the office preventing exit and entry including his exit. They used abusing language, raised slogans and threatened for about 5 hours. In the cross examination he admitted that deduction of wages is as penalty. He also admitted that no individual notices were issued. So it may be seen that in view of the MW3 evidence who is after all the Executive Director when the accident took place, naturally his word has to be taken as correct alongwith other circumstances and further these workmen are not working in effected areas, no doubt the High Court in 1997 6 ALD page 530/ have upheld the imposition of penalty of 8 days wages because that was a case of APSRTC wherein that case 69 were conductors and 71 drivers and naturally their stoppage of work caused lot of inconvenience to public which cannot be compensated. Hence the High Court held the deduction of 8 days wages is justified. In this case nothing has come on record even by MW1 to MW3 that any inconvenience is caused by reduction in production or any such thing

except the indecent behaviour of the employees and using abusing language. It is quite possible that for some grievances or apprehending grievances the mob shouted and misbehaved. I am of the opinion that the deduction of one-day wage is amply justified but deduction of 8 days wages of 109 workmen could not have been done without giving them any opportunity to explain. Further, as discussed supra, the settlement dated 26-8-2002 pertains to Pay & Allowances and this is not analogous or incidental to the settlement. Therefore, settlement dated 26-8-2002, Ex. M15 is not a bar for this reference. Accordingly, the reference is answered as follows : The deduction of one-day wage of 109 employees is legal and justified. However, the 109 workmen are entitled for 8 days wages which was deducted. In the circumstances the Respondent is directed to pay the 109 workmen 8 days wages out of the 9 days wages deducted within 30 days from the date of publication of this award failing which they are entitled for the said amount with 6 per cent simple interest per annum.

Dictated to Shri J. Vijaya Sarathi, LDC, transcribed by him corrected and pronounced in the open court by me on this 9th day of May, 2005.

E. ISMAIL, Presiding Officer

#### Appendix of Evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1 : Shri K Suryanarayana	MW1 : Shri K P Gokhale
WW2 : Shri R Ravi Kumar	MW 2 : Shri P K Joshi
	MW 3 : Shri Moiz Ali Mohammed Tankiwala

#### Documents marked for the Petitioner

Ex. W1 :	Certificate of Registration of Trade Union.
Ex. W2 :	Rules of the Union.
Ex. W3 :	Affiliation certificate of the union.
Ex. W4 :	Newspaper report dt 2-12-1998.
Ex. W5 :	Letter dated 13-2-98 addressed by Sr. Manager (Production) to Sr. Manager (P & A).
Ex. W6 :	Notice issued by Exe. Director to workmen.
Ex. W7 :	Letter of WW1 to General Manager, Visakha Refinery.
Ex. W8 :	Representation to ALC (C), Visakhapatnam.
Ex. W9 :	List of 103 employees whose wages totalling Rs. 1,70,461.53ps.
Ex. W10 :	Minutes of General Body meeting of the union on 13-2-2001.

Ex. W11: Failure report of ALC (C), Visakhapatnam.

Ex. W12: Letter of demands dated 5-12-1997.

**Documents marked for the Respondent**

Ex. M1: High Court order in WP No. 7071/2001.

Ex. M2: Show-cause notice to WW1.

Ex. M3: Explanation to Ex. M 2.

Ex. M4: Letter from Joint Collector.

Ex. M5: Letter written by corporation to Joint Chief Inspector of Factories.

Ex. M6: Letter of Chief Manager (Operations) to HRD & Marketing Dept.

Ex. M7: Notice of Exe. Director displayed in notice board dt. 14-11-97.

Ex. M8: Letter of Management to union dated 17-9-97.

Ex. M9: The proceedings of ALC(C), Visakhapatnam dt. 5-5-98.

Ex. M10: Notice dated 28-5-98.

Ex. M11: Letter dated 18-9-97.

Ex. M12: Another notice dt 1-12-97.

Ex. M13: Notice regarding illegal strike.

Ex. M14: Union letter to the Management.

Ex. M15: Settlement dated 26-8-2002.